VETERANS' EMPLOYMENT PROGRAMS IN THE U.S. POSTAL SERVICE

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
EDUCATION, TRAINING AND EMPLOYMENT

OF THE

COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

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VETERANS' EMPLOYMENT PROGRAMS IN THE U.S. POSTAL SERVICE

WEDNESDAY, OCTOBER 14 1981

House of Representatives,
Committee on Veterans' Affairs,
Subcommittee on Education, Training and Employment,
Washington, D.C.

The subcommittee met at 9:05 a.m. in room 334, Cannon House Office Building, Hon. Robert W. Edgar (chairman of the subcommittee) presiding.

Present: Representatives Edgar, Daschle, Boner, and Siljander.

OPENING STATEMENT OF CHAIRMAN EDGAR

Mr. **Edgar**. The Subcommittee on Education, Training and Employment, will come to order. Some of my colleagues who are not here this morning are diverted because of the action on AWACS which will take place later in the day on the House floor. We're hoping that several members will have time to stop in during the course of the hearings and we appreciate all those who are participating in the hearings today helping to sort out this particular issue.

The subject of today's hearings will be to review the performance of the U.S. Postal Service in meeting existing regulations governing veterans' employment and the hiring of disabled veterans in particular.

The conduct of the U.S. Postal Service in hiring disabled and Vietnam-era veterans has been of major concern to the subcommittee and to the veterans' community. Last year the subcommittee requested the Office of Personnel Management to evaluate the degree of success and the effectiveness of the activities of the Postal Service on the employment of veterans. On August 26, 1980, the subcommittee held hearings to receive an overview of the employment practices of the Postal Service. Following that hearing the Office of Personnel Management issued opinions and clarifications to the Postal Service of existing regulations under title 5, United States Code, detailing further the responsibilities of the Postal Service in hiring disabled veterans. The Office of Personnel Management further intends to audit Postal Service hiring practices to insure full compliance with these regulations. The subcommittee will review the efforts of the Office of Personnel Management at a later hearing scheduled for November 10.

Despite this continuing scrutiny, the subcommittee continues to receive numerous complaints on Postal Service hiring practices from individual veterans and from veterans' organizations which are chartered by the Congress to represent the veteran community.

Once again, these continuing problems center on the appointment, promotion, and retention rights of veterans with special emphasis on appointment of veterans rated 30 percent or more disabled.

In 1970, the Postal Reorganization Act redesigned the U.S. Postal Service as a quasi-government agency or corporation. Yet it is the firm belief of this committee that the unique structure and mission of the Postal Service should in no way exempt its employment representatives from full compliance with both the letter and the spirit of the Veterans Preference Act of 1944, as amended by the Civil Service Reform Act of 1978.

In fact, full compliance with existing regulations in both public and private sectors governing veterans' employment, involving either veterans' preference or affirmative action, will be a top priority of the subcommittee in the coming months. We look forward to hearing from the Postal Service this morning and at any future date if necessary.

Our first witness this morning is Ms. Nancy L. George, Assistant Postmaster General, Employment Relations Department, U.S. Postal Service. Following Ms. George will be representatives of the Veterans of Foreign Wars and the Disabled American Veterans. The record should also show that the American Legion and the Paralyzed Veterans of America have submitted testimony and without objection it will be made part of the official hearing record.

Ms. George, it's a pleasure to have you here today and we invite you to come to the witness table and introduce those who are with you.

Ms. George, what we thought we would do to expedite the hearing process this morning—and before you begin I'd like to welcome my colleague, Tom Daschle, who is here this morning with us—we appreciate your presence. The process that we'd like to proceed with is to hear your statement in full, and then we'd like to hear from the two veterans' organizations, and then bring you back to the witness table for questioning, so that we can have all the witnesses together for the questioning period. We invite you to proceed. Your full statement will be made part of the record and we again thank you for coming this morning.[1]

STATEMENT OF NANCY L. GEORGE, ASSISTANT POSTMASTER GENERAL FOR EMPLOYEE RELATIONS, U.S. POSTAL SERVICE

Ms. George. Thank you, Mr. Chairman. It's my pleasure to be with you, and I'd like to introduce Stephen A. Moe, who is a member of my staff.

The invitation that you extended asked us to address certain specific questions and also to give an assessment of the responsibilities and performance of the Postal Service in complying with current Office of Personnel Management regulations regarding veterans' employment. I am particularly pleased to receive this invitation because I believe the Postal Service's record in veterans' employment is one to be proud of.

By virtue of the Postal Reorganization Act, veteran preference-eligible applicants and employees of the Postal Service are subject to OPM regulations relating to veterans' preference in the same manner as if they were in the competitive Federal service.

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[1] See p. 33.

Our personal regulations reflect the 5- and 10-point hiring preference for preference eligibles as well as the provision for giving first consideration to compensably disabled veterans. For jobs not filled from ranked registers, veterans' preference is recognized in the grouping of employees for consideration and the Postal Services reserves many of its entry-level maintenance positions for veterans, if veterans are available. All these hiring preferences are in accord with the regulations of the Office of Personnel Management.

The large representation of veterans in the postal workforce shows the impact of these hiring preferences. As shown in table 1 attached to this statement, 54.9 percent of our current career work force consists of preference eligibles. Over 77,000 employees, nearly 12 percent of our total workforce, are disabled veterans.[1]

I would like to be able to give you a definitive report on the number of employees in our workforce who are 30 percent or more disabled. Unfortunately, when we attempted a survey last summer to determine this figure, many veterans were dissuaded by veterans' organizations for responding, for reasons as yet unclear to us. We are in the process of considering whether another canvass would be helpful in providing us a clear picture. As table 1 indicates, the Postal Service has a significantly higher percentage of veterans of all categories than does the rest of the Federal workforce.

I think it's also significant to look at trends. When I testified just over a year ago, I predicted that although the Postal Service would continue to employ a high percentage of veterans, we would begin to see a decline in the absolute number of veterans seeking postal employment because of the October 15, 1976, cutoff for peacetime preference. The overall percentage of veterans in our career force has declined from 56.7 percent to 54.9, but the overall percentage of disabled veterans has increased from 11.2 percent to 11.8 percent. This constitutes a net increase of 5,000 additional disabled veterans over a year ago.

Table 2 summarizes our hiring record over the past year. As you can see, 12.6 percent of our career accessions were disabled veterans and most of those, nearly 10 percent or 5,262 career hires, were compensably disabled veterans.[2]

A number of factors are at work in changing our overall workforce profile, including a high retirement rate among World War II and Korean War veterans, as well as the effect of fewer preference eligible veterans leaving military service. The fact that the percentage of disabled veterans nevertheless has increased rather than declined shows that our programs are doing their job with respect to our obligations to disabled veterans.

As indicated in my previous testimony, because our preferences are having good success, we have not needed to put aside our commitment to filling as many positions as possible through competitive selection procedures and call on the discretionary authority in Section 3112 of title 5, United States Code to make noncompetitive appointments of veterans with compensable disabilities of 30 percent or more, nor do we continue to use veterans' readjustment appointments. Without the latter, our employment statistics speak for themselves as to our record in providing employment opportunities for Vietnam-era veterans.

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[1] See p. 41.
[2] See p. 42.

Although I know the focus of this hearing is on veterans' employment I want to speak briefly to the broad question of affirmative action. As you may know, the Postmaster General and our Board of Governors recently issued strong statements on the need to insure the absence of discrimination in all aspects of postal employment and to move toward a fully representative workforce by removing artificial barriers to equal employment opportunities.

I want to assure you that while we have a clear vision of where we would like to be in the area of affirmative action, we fully recognize the need to work within other applicable statutes and regulations, including those on veterans' preference. Many diverse groups are clamoring for bigger slice of the employment pie, often to the obvious detriment of other groups. These demands are often made without appreciation of the many statutory and regulatory demands of the selection process. The best way to address these concerns is to fill as many of our positions as possible through open competitive hiring, administered as fairly as we possibly can.

I will now turn to the specific requests for information not covered in my general assessment of where we are in the overall area of veterans' preference.

During the last 12 months, 6,152 of the disabled veterans hired—over 89 percent—have been retained beyond their 90-day probationary period.

As to your request for copies of EEO status reports, although the Board of Governors has recently asked for such a report, none have yet been made and the Board has not yet established a format for the report.

You asked several questions regarding our general affirmative action posture with regard to disabled veterans. Last year our EEO officers and personnel staffing specialist received training on Postal Service regulations governing employment and placement of postal applicants. This training included discussion of veterans' preference requirements and guidance in the hiring of handicapped individuals. This special training was in addition to what is normally provided our EEO officers and EEO professional staff on affirmative action programs, including those for handicapped persons and disabled veterans. In addition, the Postal Service regularly reviews performance at major postal facilities to see that personnel policies and procedures are fully implemented.

Several of our employment-related handbooks include guidance on making reasonable accommodation for disabled individuals in the examination, hiring, and placement process. Additional instructions are being developed. We are working on a veteran affirmative action plan for disabled veterans as part of our overall affirmative action plan for handicapped individuals.

We do not provide special notice to veterans of their right to file discrimination complaints when adverse suitability determinations are made. We are aware of no regulatory requirement to do so. All Postal Service personnel offices are required to display prominently a notice of the right to file a discrimination complaint and the procedures for doing so.

As you know, when I testifed last year, the issue of Postal Service coverage under the procedure for OPM review of adverse medical suitability determinations concerning 30 percent disabled veterans was as yet unsettled. This was the subject of the February 26, 1981, letter to Mr. Drach to which you referred in your recent letter, Mr. Chairman. This question has now been settled and our procedures for affording such review rights are in place.

I have just instructed our regions and field installations to begin tracking the number of appeals processed and the results of reviews both at our regional appeal level and at OPM. We will include reviews of compliance with these procedures as a regular part of our internal hiring practice reviews.

You requested information on the Postal Service's current medical screening procedures. Our Postal Service medical personnel are responsible for making medical suitability determinations for postal applicants. Now OPM will make the final medical determinations in cases of veterans who are 30 percent or more disabled.

In determining suitability, medical personnel rely on information obtained from the prospective appointee, the Veterans' Administration, and any private physician or clinic, in conjunction with the certificate of medical examination and application for employment. Applicants can assist the medical officer in making an objective medical suitability determination by insuring that the requested information is provided.

Any determination of medical unsuitability must be fully documented and based on objective clinical indications or laboratory results. The appointing official is responsible for making the hiring decision, mindful of the medical officer's recommendation. When an appointing official decides not to appoint based on medical unsuitability the OPM right-to-review process automatically becomes available to each applicant who is 30 percent or more disabled.

All other applicants have the right to file an appeal to the regional medical officer, who reviews the documented medical file along with any additional medical information provided by the applicant. This affords a meaningful opportunity for reconsideration of the initial determination.

In the past year some 1,336 medical suitability appeals have been decided by our regional medical officers. In 549, or 41 percent of these cases, the appeal was sustained and the initial unsuitability determination was reversed. It is worth noting that the reversal is often the result of more complete medical information supplied by the appellant at the time of reconsideration. Our national medical director does not have a direct involvement in the review process. However, he provides administrative guidance and assistance to regional medical staff.

Again, Mr. Chairman, we are proud of our record in veterans' employment and I am pleased to have had the opportunity to address you on this important subject, and will answer questions at the time you designate. Thank you.

Mr. EDGAR. Thank you, Ms. George. We appreciate your statement and we do look forward to asking you some specific questions.

But first we would like to hear from the veterans' organizations that are present and then bring you back to the witness table for questions.

Before bringing our next witnesses to the table I'd like to recognize on the record the presence of our colleague from Tennessee, Mr. Boner, who is participating this morning.

Our next withesses will be Mr. James N. Magill who is the special assistant, National Legislative Service of the VFW, accompanied by Mr. Kim Graham, employment specialist of the VFW; and also Mr. Ronald W. Drach, national employment director, Disabled American Veterans. Mr. Magill.

STATEMENT OF JAMES N. MAGILL, SPECIAL ASSISTANT, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. MAGILL. Thank you, Mr. Chairman. Accompanying me is Mr. Kim Graham, employment specialist with the Veterans of Foreign Wars. Without objection, I will summarize my statement as long as it will appear in the record in its entirety.

Mr. EDGAR. Without objection, your whole statement will be made a part of the record.[1]

Mr. MAGILL. Thank you for the privilege of appearing before this distinguished subcommittee to present the views of the Veterans of Foreign Wars of the United States. We appreciate this subcommittee holding this hearing inasmuch as we believe certain areas concerning veterans' employment within the Postal Service need attention.

As of April 1, 1981, according to the Office of Personnel Management, 55 percent of all Postal Service employees were veterans and 19 percent were Vietnam-era veterans. It would appear from these statistics that the Postal Service has done a commendable job of providing preference to veterans in its recruitment, hiring, and promotional programs. However, what concerns the VFW is the Postal Service's policies and practices especially toward disabled and Vietnam-era veterans.

Our National Veterans Service has a number of complaints on file regarding the Postal Service in these areas. The VFW strongly believes that the Postal Service discourages the recruitment and hiring of disabled vetereans and that statistics would indicate the retention rate during and after the 90-day probationary period would not be favorable. After requesting the turnover rate involving disabled veterans we were informed by the Postal Service that such information was not kept on file and would require considerable research to develop. We were also dismayed to discover that the Office of Personnel Management could not supply us with the information as to how many disabled veterans were in the employ of the Post Office. We believe this information is not difficult to obtain and the Postal Service in its inability to capture same is demonstrating its refusal to cooperate with veterans' organizations and/or may be trying to conceal derogatory information.

Our past experiences have resulted in our firm belief that the Postal Service now uses veterans' preference as a means to filter out prospective veteran employees. The automatic granting of 10 additional points to a passing score on an examination serves to alert the Post Office that the applicant has a disability. Instead of being an aid to employment, this serves within the Postal Service as red flag and actually is a hindrance.

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[1] See p. 128.

A typical case brought to our attention concerned a disabled veteran applying for postal employment in St. Louis, Mo. After paying a fee for a physical, he was denied employment due to medical unsuitability. Mr. Chairman, the veteran was never examined by the doctor. The physician based his determination solely on the applicant's military medical file. Obviously there was no intention to hire this veteran.

The Postal Service has gone so far in the past as to inquire if it must comply with title 5 U.S.C. 3312, which provides in part for review by OPM of passover when the veteran employed by the Postal Service is 30 percent or more disabled. As expected, we understand, the Postal Service was advised they must comply with the law. This provides another example of the Postal Service's negative attitude toward disabled veterans.

In regard to veterans readjustment appointments, the VFW is greatly disappointed that the Postal Service does not utilize this all-important hiring authority. Unfortunately, the Postal Service entered into an agreement with the postal union resulting in the discontinuance of VRA's. We truly hope that the Postal Service will once again recognize this dual benefit VRA's can achieve—career employees for the Postal Service and jobs for Vietnam veterans.

Mr. Chairman, this concludes my testimony. Once again I would like to thank the chairman for holding this hearing and allowing the VFW to voice its concerns regarding veteran employment with the U.S. Postal Service. We will be happy to answers any questions you may have.

Mr. **Edgar**. Thank you, Mr. Magill. Mr. Drach.

STATEMENT OF RONALD W. DRACH, NATIONAL EMPLOYMENT DIRECTOR, DISABLED AMERICAN VETERANS

Mr. **Drach**. Thank you, Mr. Chairman. On behalf of the Disabled American Veterans, I too would like to express our appreciation to you and the members of this committee for having these hearings today. The information conveyed by Mr. Magill was not too far different from some of the testimony that we have in our prepared statement, and also with the understanding that the entire statement will be submitted to the record I will also summarize.

Mr. **Edgar**. Without objection, the whole statement will be made a part of the record.[1]

Mr. **Drach**. Perhaps that was a misleading statement. I don't intend to summarize my statement. I would rather with your concurrence just discuss a little bit about Ms. George's testimony, since my testimony will be in the record.

I'm here today to talk about people, not numbers, although numbers are certainly an important factor in determining—whether measuring goals and quotas and timetables and other numerical measurements. I deal with people as much as I deal with numbers, people who are denied employment, in my opinion arbitrarily and capriciously, based on medical suitability standards that they don't even comply with in the hiring process.

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[1] See p. 132.

If you look at Ms. George's statement I think the average person would agree that the Postal Service has indeed a very admirable and a good record, but we've never argued that they don't have a good numerical record. We're not talking about quotas or goals or timetables. There are no such things within the Veterans' Preference Act.

Mr. Magill mentioned 3312, title 5, United States Code. That issue is one that we've been working on, actually, for 3 years. We asked Mr. Bolger back in 1978 whether or not the provisions of the Civil Service Reform Act of 1978 impact on the Postal Service. At the time he said that he wasn't sure but his legal department was looking into it. In May of 1979 Mr. Bolger wrote to Harold Russell, chairman of the President's Committee on Employment of the Handicapped, and stated that he, the Postal Service, was required to comply with the Civil Service Reform Act in which 3312 was added to title 5, United States Code. That was in 1979. They never issued guidelines until 1981, almost 3 years after the enactment of the statute, almost 1 year after the General Counsel's opinion from OPM.

To me it's ridiculous that we had to press for a General Counsel opinion when Mr. Bolger states in writing that the Postal Service had to comply. And now finally after 3 years, we have some procedures and guidance.

Ms. George mentioned the survey last summer and they were a little unclear why they had such a poor response. Well, speaking for the DAV, when we found out about it at our end—we went out to our people and said, if anybody is ever going to ask you, tell them not to voluntarily disclose that information.

We were a little unclear as to why they were going to request that information and in the Postal Bulletin requesting the self-identification it started out by saying, something to the effect that this information is required by OPM. I immediately contacted OPM, the Veterans' Affairs Office; they knew nothing about it. About a week later I met with and spoke with Dr. Devine, the Director of OPM, who himself checked with the computer data, or the central data personnel file system. Nobody in OPM had mandated the Postal Service to go out and request that data.

That wasn't too bad. About 2 weeks later there went out another Postal Bulletin and it said, those disabled veterans who have identified themselves, go back and ask them for their VA claim number.

Now, I can, you know, conclude only one thing. They want a VA claim number to go out and get the VA medical records. They go out and get the VA medical records, they make the veteran take—this is all hypothetical but it really would happen. They'd make the veteran take a suitability determination or examination, they'd then find the disabled veteran medically unsuitable, and they they'd fire him. I am unquestionably sure that they would do that.

Also, Ms. George said that they're very proud of their record. Now, on page 3, she mentions "respect to our obligations to disabled veterans."

To me it sounds as if they're saying that they have met their obligations to disabled veterans. I would like to know where their obligations stop and where the law stops. The law doesn't say, once you have *x* percentage of disabled veterans on the rolls, you can stop applying veterans' preference. They're just now implementing an affirmative action plan that was mandated 7 years ago. The law doesn't say, when you reach *x* number of veterans, you can stop taking affirmative action. Nothing in the law states that. And I remember when I was in Vietnam nobody was saying, "Hey, we've got our quota of disabled vets today, let's stop the war." The disabled veterans were pumped out daily out of Vietnam and no one said it's time to quit.

She also mentions "preferences are having good successes" on page 3. Again, that doesn't exempt them from the statutory mandates that are imposed on them. I think the one thing that I totally agree with Ms. George on, in her statement on page 4, is what we are talking about today. We're not talking about overall veterans' preference necessarily. We're talking about, and I quote her, "insure the absence of discrimination."

There is not absence of discrimination within the Postal Service. If there was, why would the Board of Governors have to issue such a strong policy statement mandating that the Postmaster General come up with a quarterly EEO report? I think that answers the question itself.

She also mentions in her statement the February 26 letter to me regarding section 3312. The February 26 letter to me did not address section 3312. It addressed section 3317, which is another violation of law. Section 3317 of title 5 in essence is the authority under which OPM may remove a preference eligible from the certificate of eligibles. The Postal Service has and continues to remove preference eligibles from the certificate of eligibles despite the February 26 opinion from then-General Counsel of OPM, Marjorie Waxman, that they did not have that authority. Ms. George has not responded to that question that I posed to Mr. Bolger as to when they will start complying with that section. And incidentally, that section was originally codified in 1944, in the Veterans' Preference Act. God only knows how long it will take them to comply. I've got numerous cases where veterans are being removed from the register. And it's kind of interesting even when they do admit locally that they erroneously removed a veteran from the register. Instead they only put him back on the register. It's questionable as to how many veterans are denied employment on that basis.

In conclusion I just want to say that I have read your letter to Mr. Bolger inviting him to appear here today, and on that subject I'm very disappointed that 2 years running now Mr. Bolger has refused to appear personally. And I believe that these policies that tend to discriminate against disabled veterans emanate from his office and he should be held accountable, not so much Ms. George. She carries out the mandates of the Postmaster General. But I believe her statements do not adequately address the concerns you expressed to Mr. Bolger. They certainly gloss over the surface. They don't go down into the meat of the problem. And with your permission, if the record is going to be held open for any period I would like to submit additional responses to the questions you asked the Postal Service. Thank you very much.

Mr. Edgar. Thank you for your comments. I would like to invite Ms. George and her staff to come back to the witness table at this time so that we can have a full discussion of the questions.

At the outset let me begin by saying that it is clear there's a difference of opinion. Both veterans' organizations have stated their concerns over the Postal Service both in writing and in their oral comments. Ms. George shared the position of the Postal Service and it's our hope that in the questioning we can get some handles on the differences of opinion and begin to sort out the many pieces of this hiring problem.

It's a very complicated issue. I just think that as we go through these questions, while some of them may be a little bit repetitious, it's important for us to get clear, on the record, your feelings and your opinions, as well as the factual information that backs up your answers.

Ms. George, I'd like to begin with you, and if you could just briefly, for the record, give the subcommittee a summary of your background and your responsibilities in your present position?

Ms. George. I've been at the Postal Service for approximately 15 years, spending 13 years in personnel and budget work in the Inspection Service, and holding the position of Assistant Postmaster General for Employee Relations since June of 1979. That Department is responsible for employment and placement of all Postal Service employees, safety and health, the education and training of all employees, the Office of Equal Employment Opportunity, the Postal Career Executive Service, and other types of compensation, employee benefits, and organizational structures.

I have a large part of the employer responsibility. The other part of the employee and labor relations group, of which I am a part, is the labor relations department, which is responsible for negotiating the contracts with our various postal unions. That's the responsibility of Mr. James C. Gildea, who is the Assistant Postmaster General for Labor Relations.

Mr. Edgar. What is the size of your immediate staff?

Ms. George. Approximately 600 people.

Mr. Edgar. In your statement you talk about the Postal Service's favorable statistics in hiring veterans, and yet there have been a large number of complaints emanating out of not only the veterans' organizations but individual veterans who feel discriminated against, and feel that there are irregularities in your employment practices. Can you explain why there is such a large number? What is your reasoning for this large number of complaints? We don't get that same volume of complaints from other Federal agencies.

Ms. George. Well, I'm not sure what is a large number. We experience complaints from a variety of people who seek postal employment. We are a major Federal employer, as you well know, with over 650,000 career employees. When we advertise positions, or opportunities for people to take Postal Service entrance exams, we have tens upon thousands of people applying for employment. In 1978, I believe, several million people applied to take the examinations. So there are bound to be a considerable number of disappointed people who either, one, are not successful on the examinations, or, second, are not employed even when they are successful. Also, our regular employment has been fairly steady for a number of years, with a very small turnover among the regular staff of Federal employees. So when those who are not chosen are disappointed, naturally some of them seek to express their concern through various means.

Mr. EDGAR. I noticed in your statement that 41 percent of those who go through the appeal process have their appeals turned around. Does that seem like a high number to you? That appears on page 8 of your testimony.

Ms. GEORGE. Not necessarily. I think part of it is in terms of our medical staff. Some years ago several of our regions did not have regional medical directors. We are now fully staffed in that area and they are more aware and better trained to understand the medical and physical demands of our positions and are working to assist the appointing officials to determine as clearly as they possibly can whether the person is medically suitable for employment. They are far more knowledgeables than a lot of the appointing officers are at the local level.

Mr. EDGAR. Mr. Drach and Mr. Magill, in both of your statements you refer to the fact that both your organizations have received a high number of complaints about Postal Service employment, and that these are higher than any of the other agencies. Could you estimate the number of complaints and has this number of complaints risen over the years or has it remained constant?

Mr. DRACH. Well, speaking for the DAV, Mr. Chairman, the regulation became effective April 10, 1978, and provided for a discrimination complaint process. We went through our files that were pending, and we found about 98 complaints against Federal agencies; 92 were against the Postal Service. Since that time we have filed approximately another 400 complaints and I would say approximately 5, and maybe 8 are against other Federal agencies. The other 390-some are against the Postal Service. And the complaints come in to the DAV in my office, in Washington, almost daily. That's not even counting what we'll get out in the field. So its' gigantic. And, if I may just inject something on your question to Ms. George about the 41 percent, it's interesting, the last year, they had 1,336 medical suitability appeals. That's 100 a month, over 100 appeals a month. No wonder they've got to raise the postage to 20 cents. They have to pay for these people to review these appeals. To me that's incredible; 100 people a month alleging that these medical suitability standards are wrong and almost half of them are overturned. I think they need to look at the local level. Bear in mind their own medical suitability standards require an exam, require a review of medical records at the local level before any harm is done. It shouldn't have to go to the regional level. They should be able to address this problem, which is humongous in administrative cost, at that local level.

Mr. EDGAR. Thank you. Did the VFW have the same experience with a large number of complaints?

Mr. MAGILL. We have had similar experiences. I would say, approximately about half as many again as normally. The nature of our organization, of course, is not the same as Mr. Drach's. But, as I said, we have had what we would consider a higher amount of complaints coming out of the Postal Service in regards to the disabled veteran, and also the Vietnam veteran.

Mr. **Edgar**. Thank you. I understand, Ms. George, from your testimony that the Postal Service is unable to determine the number of veterans rated at 30 percent or more currently employed. You also state that attempts at isolating the number of disabled veterans within this group last summer failed when, as you say, veterans were dissuaded from participating in your survey by veterans' organizations.

I'd like to ask unanimous consent to include in the record your document that was sent out requesting and establishing a veterans' designating reporting system.[1]

Would you explain in some further detail your attempts and the attempts being made by the Postal Service to determine how many veterans you have that are rated 30 percent?

Ms. **George**. Well, as mentioned, we requested through our internal instructions this past summer a survey of all employees who are veterans to ascertain those with 30 percent disability. As my testimony indicates, the return was somewhat mixed because of the concerns expressed to many veterans by the DAV and perhaps others. We are reassessing the situation to see if we can get a better response. I would state further than our intent is certainly not to do anything to discriminate against employed veterans or any other veterans or to seek medical suitability examinations of those currently on our rolls. That is only done when performance indicates that the individual, whether he or she's a veteran or not, is less than satisfactory, and there is some indication that there's a medical problem.

We do not arbitrarily order reexaminations or medical examinations of any employees.

Mr. **Edgar**. Was any attempt made, when you issued your request, to sit down with the veterans' organizations and explain the intent of your request?

Ms. **George**. No, there was not. We, I guess, assumed that there would be no objection to this effort.

Mr. **Edgar**. If you proceed, as you suggest, to go back out and get this information, would it be helpful to sit down with some of the major veterans' organizations to try and design a process that would be helpful to you in getting the material and information that you need, while at the same time protecting the rights that some of the veterans organizations felt were being threatened?

Ms. **George**. We'd be glad to talk to the veterans' organizations; yes.

Mr. **Edgar**. I wonder if the veterans' organizations might respond to this question in terms of why you felt—and Mr. Drach has already indicated some response to this question in his oral comments—why you felt so strongly threatened by this order and request?

Mr. **Drach**. Our concern, Mr. Chairman, was based on the opening paragraph of the Postal Bulletin which said OPM had ordered it. I checked with OPM and they had not ordered it and knew nothing about it, No. 1. No. 2——

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[1] Retained in committee files.

Mr. **Edgar.** Mr. Drach, did you check with Ms. George about that at the time?

Mr. **Drach.** No, I didn't. This came to my attention, Mr. Chairman, the day before we were leaving for our national convention on July 9, 1981; it was the first notice that I had. Regrettably, at that time I was not getting the Postal Bulletin. Subsequent to that I have ordered a subscription so I can try to keep up with them, since they don't want to tell us in advance what'll happen.

I had very little time to do anything because I was catching a plane for our national convention. But no sooner when I did get to the convention numerous DAV officials and members came up to me and said, "Hey, what's this all about?" Do we have to answer this? And I said, no, it's purely voluntary and told them, until I find out what can be done, or what it's for, don't do it. There was a cutoff date of July 10, as I recall, that the responses were suspended to come back by the individual veteran. July 10 was the date that I arrived in Florida. The matter had come to my attention July 9 so there was no time for me to check with Ms. George or anybody there.

I did check upon my return from the convention with DeWitt Harris who assured me that there was no ill intent, there was no means by which they were going to identify veterans to get rid of them. But again, the question of why did you go out 2 weeks later and ask for the VA claim number?

I don't know whether it's proper for me to ask Ms. George a question, but I would certainly like to know the answer to that.

Mr. **Edgar.** Ms. George.

Ms. **George.** Might Mr. Moe respond to that question or do you want——

Mr. **Edgar.** Yes.

Mr. **Moe.** The reason for the request for the VA claim number—it should have been included the first time but it wasn't—was that we needed some verification of the 30-percent disability.

Mr. **Drach.** You won't take the veterans—I'm sorry.

Mr. **Edgar.** The answer, I think, you are giving is that you need some verification of the 30 percent. You would not have that on the Postal Service records at the initial hiring?

Mr. **Moe.** For anyone hired prior to the creation of the new category, a 30-percent-disabled veteran, there was no reason to record anything other than the fact that the person was compensably disabled which, of course, meant at least 10 percent. So, new hires would have that information, but not anybody who was hired prior to the basing——

Mr. **Edgar.** How do you know that someone is noncompensable? How do you get the information that someone is a disabled veteran but noncompensable?

Mr. **Moe.** The information would be supplied in the process of adjudicating what that individual's preference would be. If they're noncompensable, even though they're 10-point preference eligible, they don't float to the top of the employment register. And that information basically would be supplied at the hiring stage by the Veterans' Administration.

Mr. EDGAR. Isn't that the same as the 30 percent? Isn't the Veterans' Administration required to furnish that information?

Mr. MOE. Yes; now, when it makes a difference whether the person is 30-percent disabled or only 10 to 30 percent. That information is part of the hiring process.

Mr. EDGAR. Before I invite Mr. Daschle and our colleague from Michigan who has joined us, Mr. Siljander, to ask some questions, let me say that, it occurs to me that if an issue of the Postal Service related to a change in practices that would involve the labor community, that there would be some discussions and some sitdown communications. I appreciate Ms. George's comment that as you begin to think about going out for this information in the future, that it might make sense to sit down with the major veterans' organizations and negotiate a process that is nonthreatening. Clearly, there has been a lack of communication established and I don't think that there's any malicious intent in that lack of communication but I think that it might help in gaining this information in the future to have a negotiated discussion.

Let me move now to Mr. Daschle for questioning and then I'll come back to some specific questions.

Ms. DASCHLE. Thank you, Mr. Chairman. I have a question, first, of Ms. George. It relates to a letter that I received this summer from the Postal Service, and it was in regard to some questions I raised with respect to Postal Service employment earlier that spring. And the statement on the first page is one that I'd like to quote at this time.

> The Postal Service does not utilize the special appointment authority provided by the Vietnam-Era Veterans Readjustment Act of 1974. Our competitive procedures are already introducing a very high number of disabled veterans into our work force. We are committed to filling all of our career vacancies on the basis of merit and competition. Any significant use of noncompetitive appointment authority for veterans with a greater percentage of disability would tend to further limit jobs available to other deserving applicants.

Ms. George, that seems to fly right in the face of the law here where, in section 2014, U.S. Code, it says:

> Each department, agency, instrumentality in the Executive Branch shall include in its affirmative action plan for hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality as required by Section 501(b) of the Rehabilitation Act of 1973, a separate specification of plans in accordance with regulations with the Office of Management Personnel shall prescribe in consultation with the Administrator, the Secretaries of Labor and Health, Education, and Welfare, consistent with the purposes and provisions and priorities of such Act, to promote and carry out such affirmative action with respect to disabled veterans in order to achieve the purpose of this Section.

All that garbage just basically say, that you're supposed to have a plan, and this says you don't have a plan. Now, that doesn't seem to jibe. Can you tell me what the answer is to that?

Ms. GEORGE. We have been working for over a year to get an up-to-date handicapped program plan in place. We are near concluding that plan which will obviously include those veterans who are severely handicapped. We regret that we haven't been able to get the plan in place. However, our existing guidelines and procedures in our regulations provide for employment of the severely handicapped through either the competitive process or through a noncompetitive process. Many of our installations and regions are very active in employing people who have significant handicaps, both through the competitive process and the noncompetitive process.

In the noncompetitive process, veterans are awarded their preference and they would rise to the top of any group of handicapped people applying through the noncompetitive process.

Mr. **Daschle**. Let me see, I won't hold this against the current administrators because you may not have been there since 1973, but it seems to me that in 8 years you ought to have a plan together. The bill passed, the law passed in 1973 and what you're telling me, you're just getting your act together now? is that what you're saying? I'm not quite sure.

Ms. **George**. I'm not aware of where the Postal Service was in terms of handicapped plans prior to 1979. But we've been working with the EEOC internally to develop the plan, and we're not there yet.

Mr. **Daschle**. My God. I mean, that—even since 1979, what's the hangup? We've got 2 years here now, even since 1979. I mean, I'd like to go back—I wish your predecessor were here because there must be some incredible obstacle facing you to warrant that kind of a delay in the implementation of a law that was passed in 1973. We might as well go home.

Ms. **George**. Well, again, I think that we have employed a significant number of people with handicaps through the P-11 system procedures. I've been advised by Mr. Moe that we did have handicapped plans in prior years.

Mr. **Daschle**. You had handicapped plans?

Ms. **George**. Yes.

Mr. **Daschle**. That fit the stipulations imposed by the Rehabilitation Act of 1973? Did it comply with that act, do you know?

Mr. **Moe**. I don't know the specifics of all those previous plans. I know we did have handicapped affirmative action plans up through about 1977 or 1978.

Mr. **Daschle**. Did you do any kind of an inventory to determine whether or not you were meeting those? You passed a plan and then you didn't know whether you were within or without the law?

Mr. **Moe**. I can't address that personally.

Mr. **Daschle**. How about you, Ms. George?

Ms. **George**. No, I can't. We can search the records and supply information for you.

Mr. **Drach**. Mr. Daschle, I can, if I may?

Mr. **Daschle**. Mr. Drach.

Mr. **Drach**. As you very accurately state, the law came into being in 1973 for the handicapped and then in 1974 the inclusion of disabled veterans by reference under section 501 of the Rehabilitation Act of 1973. According to information received by me from the EEOC, the EEOC only assumed this responsibility in 1978. Prior to that the Civil Service Commission had responsibility for handicapped affirmative action. In 1974 the Postal Service submitted an acceptable affirmative action plan. In 1975 it submitted a workable satisfactory achievement and an acceptable affirmative action plan. In June of 1976 the record of unsatisfactory achievements and unacceptable affirmative action plan began, and from there on it's downhill. In 1977 they submitted a plan that was unacceptable and a record of achievements that was unsatisfactory. In 1978 they did not submit an affirmative action plan or a record of achievements. Nothing has been submitted since 1978, and it's very interesting, in a letter from Mr. Horgan, one of the Assistant Regional Postmaster Generals for Government Relations, I recall, indicated that, again, they were proud of their figures, they had 10,000 handicapped employees. That's 1.5 percent of the total work force. It's also interesting that Mr. Bailar, a former Postmaster General to Mr. Bolger, in an article in a magazine, "Disabled U.S.A.," spoke very proudly that they had 10,000 handicapped employees in 1978. So from 1978 to 1981 apparently they did not hire one handicapped person.

Mr. DASCHLE. Let me as you, Ms. George, you say you are working on it again. What is it that's going to advance this stage that you find yourselves in now, to a point where you can finally meet the criteria established in 1973?

Ms. GEORGE. I think just getting it into final form and out to our regions and field installation. We should be able to complete this in the very near future.

Mr. DASCHLE. When is that?

Ms. GEORGE. By the end of this calendar year, I'd say.

Mr. DASCHLE. By the end of this calendar year. Is that something you can share with us now, or how soon can you present that plan to the committee?

Ms. GEORGE. I would say by the end of the calendar year. If we get it in shape before then we'd be glad to supply it to the committee before then.

Mr. DASCHLE. Mr. Chairman, I would only suggest at this time, and certainly not move, that at the time that the Postal Service has finally formulated their plan, that we perhaps spend another couple of hours to go over this plan to find out whether it is going to meet the criteria or not. I find this appalling. I don't know how many other Federal agencies fall out of the law, but it certainly sets a pretty poor example when we tell businesses, when we tell others, that they have to comply with the law, and then our own Federal agencies are just so blatantly found in disregard of the law.

Let me ask you again, Ms. George, on another—this is very related, I guess. I have some situations in South Dakota where I find that class 3 Postal Service officers are not subject to veterans' preference laws. Apparently, you don't look at veterans' preference at all when you look at class 3. Why is that?

Ms. GEORGE. I'm not familiar with the term, class 3.

Mr. DASCHLE. Well, as I understand, a class 3 is a—what is it?—that's a small town Postal Service postmaster, class 3.

Ms. GEORGE. A postmaster in a third-class office is subject to——

Mr. DASCHLE. That's right. It's not——

Ms. GEORGE. With respect to the selection of a postmaster, if the person's being recruited from outside the Postal Service, the veterans' preference requirements are applied.

Mr. DASCHLE. They are applied?

Ms. GEORGE. Yes, they are.

Mr. DASCHLE. Well, that's not what we are told in South Dakota.

Ms. GEORGE. Well, we have provisions and regulations for that and if that was not adhered to, we'd be glad to look into it.

Mr. **Daschle**. We will certainly give you the details on that matter, then. I wanted to ask Mr. Drach one more question. On page 2 of the Postal Service testimony it is stated that the survey of employees in the Postal Service work force was attempted to ascertain what percentage of their work force was over 30 percent disabled. The Postal Service states that the reason that this survey was incomplete was that the veterans' organizations were dissuading veterans from responding to the questionnaire. That sounds like quite a statement. Why would you dissuade people from——

Mr. **Drach**. I'm not so sure that I can take the full credit or blame for the poor response. I did everything I could to alert our people not to respond mainly, again, I had had a very, very bad feeling of this based on our experience, especially in the last few years. It seems incredible that since Mr. Bolger took over the Postal Service that these problems have just gotten worse. We used to get complaints periodically in the last 10 years, or the years since the Reorganization Act, nothing like we've had in the last 3 or 4 years.

You know, I think you have to put Mr. Bolger on the spot. I have a feeling that somewhere right in his office is a mandate to do what you can to not hire disabled veterans. The questionnaire was poorly written, poorly designated, poorly disseminated. If we can accept their rationale that all they wanted to get was some data on those rated 30 percent or more, that's fine. But why didn't they say, just identify yourself if you are over 30 percent. Why the specific percentage of disability? Verification? I have trouble swallowing that. Why if they were lying to the Postal Service that he or she is 50-percent disabled, 70-percent disabled—let's say that this 19 percent of preference eligibles of disabled vets would have responded and let's say 10 percent of them were over 30 percent, and they gave their claim number. Were you going to go out and ask the VA to give you a certification for every one of those? I don't understand what purpose it would serve.

Mr. **Daschle**. All right. Mr. Graham or Mr. Magill, do you have any comment——

Mr. **Graham**. Mr. Daschle, approximately 1 week after that bulletin came out we started receiving mail from our constituents who work at the Post Office and they raised exactly the same concern that Mr. Drach did, which was, what are they trying to do? Are they out to get us? There is this feeling that exists within the Postal Service by veterans, that they're out to get them.

Mr. **Magill**. I think, Mr. Graham, being the employment specialists, knows a lot more about that than I do so that's why I asked him to accompany me.

Mr. **Daschle**. Ms. George, do you have—how do you respond to that? Here you are, I don't know how many millions of veterans you've got represented here. They're hearing from their members that this is a bunch of junk. What can you do? What is it, why is it that we have such a poor communication between you and your disabled employees?

Ms. **George**. Well, I'm not sure I would agree that we have poor communication between us and our disabled employees. I would point out that if it were necessary for the Postal Service to lay off people, for whatever reason, the 30-percent disability would come into play, and at that point, if that should occur, there would be need to verify such an action.

Mr. **Daschle**. Let me ask you, what do you mean, if you were to lay off people that 30-percent disability would come into play? They're the first on the hit list?

Ms. **George**. They're the first to be protected, obviously.

Mr. **Graham**. Mr. Daschle, I'd like to offer one statement in regard to Post Office testimony. It seems that they're implying they're doing a lot for handicapped and disabled veterans. I find it somewhat ironic that if they are so concerned with handicapped individuals and with disabled veterans, why are they the most vocal opponents to maintaining the minimum guidelines and requirements for accessible design in Federal and federally funded buildings and facilities?

Mr. **Daschle**. Ms. George, that sounds like—are you a vocal opponent—is the Postal Service, I should say, a vocal opponent of the statutes set out for the accessibility of buildings to handicapped people?

Ms. **George**. That's my understanding. That's primarily been addresed through our department that deals with the real estate and buildings. The Postal Service has expressed some concern as to the cost of making all of its over 40,000 installations accessible to all types of handicapped individuals. Where the traffic is such, in terms of the customers, et cetera, that accessibility is appropriate, we are working and we have made a number of buildings much more accessible than they were, both for customers as well as for employees. But going to the ultimate type of thing could be extremely financially difficult for the Postal Service.

Mr. **Daschle**. I've got to tell you, I've taken a lot of the time and I want to say, first of all, that I have always considered myself a strong advocate of the Postal Service. You've been dumped on in a hundred different ways by demagogs and by well-intended people, alike for various reasons. I think you need that 20-cent stamp, I think that you have to fight inflaiton and fight all of your costs and expenses like everyone else. But I'll tell you what—you've got to get you act together on this. I don't think there is any question but that you are going to continue to see an erosion of the friends that you have when you see a blatant example of disregard for people and for the way in which they are treated as employees of yours.

Now, I'm not speaking to you personally. I'm speaking to the Postal Service, and I certainly hope that when we call this committee back together again that we are on the upswing and that we can see some very positive developments, because I think what I've heard this morning is a real disaster. Thank you, Mr. Chairman.

Mr. **Edgar**. Mr. Daschle, I want to assure you that we will stay on top of the issue and do plan to at least have some additional contact and hearings on this issue, so there will be another opportunity.

Also, on your final issue about the regulations, I think the lack of communication was not intentional, and I think that what could assist that communication is just much more closely developing ties with some of the established veterans' organizations and trying to develop the kind of requests and proposals and questionnaries that everyone understands the intention of them. Mr. Siljander?

Mr. **Siljander**. Thank you, Mr. Chairman. I had a couple of questions. Mr. Drach, some of you gentlemen mentioned some very serious things, almost awesomely serious. You suggest that there has not been any hiring—did I hear you correctly—of disabled veterans since 1978, by the Postal System?

Mr. **Drach**. No, sir.

Mr. **Siljander**. Is that what you said?

Mr. **Drach**. I was making reference to the handicapped population in general, based on their own data in which Mr. Baylor, the former Postmaster General, said in 1978 in a magazine article which I will be happy to submit for the record if you'd like, where he was very proudly stating that the Postal Service had 10,000 handicapped employees. Mr. Horgan in May 1981, wrote a letter in which he says that the Postal Service has 10,000 handicapped employees, different from disabled veterans, 10,000 from 10,000 is, you know, zero. There's no——

Mr. **Siljander**. Wouldn't there be some people retiring, dying, fired, or quit and then rehiring some to fill the vacancies? You're assuming that no one that's been handicapped has ever retired, fired, quit, or died?

Mr. **Drach**. Unless my assumption is too general when I say about hiring any disabled veterans, or I mean, any handicapped individuals. When you look at Mr. Daschle's question regarding affirmative action, which was mandated in 1973 for handicapped individuals, and they're at the same level in 1981 as they were in 1978, you have to question, where is their affirmative action? Obviously they don't have a plan and Ms. George admitted that they've been working on it but they don't have a plan. So there are not any aggressive steps mandated by law, specific steps, to bring handicapped individuals into the Postal Service.

Mr. **Siljander**. OK. I just want to clarify that. They must have hired some.

Mr. **Drach**. Obviously, yes.

Mr. **Siljander**. The number I don't know because there would seem to be some attrition there.

No. 2, the statement that was rather serious, you mentioned that there was a mandate not to hire disabled veterans. Or, didn't you say that?

Mr. **Drach**. Maybe that wouldn't be the exact words I said, but I believe that there is something emanating from the Postmaster General's office. Because their policy certainly conflicts with existing statutes.

Mr. **Siljander**. I think you said the word "mandate" by the Director, not to hire any disabled veterans. Ms. George, it seems like something that you would want to respond to, I hope. Is there any validity to that statement at all?

Ms. **George**. There is not. I have heard Mr. Bolger only speak in positive terms of hiring handicapped people for the Postal Service and making accommodation where it is reasonably possible to do so. He himself is a veteran, not a disabled veteran, but he is a veteran. He recognizes veterans' preference and supports the veterans' preference laws and the handicapped programs of the U.S. Government.

Mr. **Siljander**. Can you back up that statement?

Mr. **Drach**. No, I can't back it up because there is nothing in writing. It's an allegation that I have made, and I'll stand by that allegation. I've caught them at least in two violations of the law—section 3312(b) which has been discussed, and section 3317 of title 5 which has not been addressed. Mr. Daschle caught them on the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Act of 1974. What else can you conclude but that they don't want to comply with Federal statute?

Mr. **Siljander**. OK. Now, about the hiring of disabled veterans, 30-percent disability, isn't it true that if someone handicapped, or whatever, lies about their percent disability, they can be discharged?

Mr. **Drach**. I don't know whether there's anything in the statutes or the regulations, but virtually any employer will dismiss somebody who falsified an application form. What reason would a disabled vet have to lie about his percentage of disability, except in reverse, that he is not disabled? That's the only way I can see a disabled vet trying to get into the Postal Service.

Mr. **Siljander**. I guess I'm agreeing with you because there seems to be some controversy, as I came in late, but there seems to be some controversy. Well, how do we know how disabled they are, do we have to get verification of the percent of disability? Why do all that, because there is a threat one way or the other——

Mr. **Drach**. There is no verification—when a veteran applies for his or her 5- or 10-point preference, at that time it's verified. The VA issues a letter for the disabled veteran saying that this veteran is a disabled veteran entitled to 10 points. For 5 points a nondisabled veteran submits a copy of his DD-214 or his discharge papers. So the verification is up front, that they are or are not a disabled veteran or a veteran.

Mr. **Siljander**. Clarify for me. What is the controversy then in this issue?

Mr. **Drach**. Oh, there's a whole bunch of controversies, sir. Starting with the application for 10-point preference, in their own preemployment medical guidelines, they state that under no circumstances will a disabled veteran be considered for employment until the VA medical records are reviewed. Now, that's a whole new subject, about VA medical records. Also, in those preemployment guidelines, medical guidelines, they state that all applicants will receive a preemployment physical. I've got no particular problem with that if they do a physical. What we're seeing amongst disabled veterans, and Mr. Magill pointed out a case that they have, and I have—I can bring them up to you this afternoon if you'd like to see them, is they go out and—here's an example right here, they go out and get the VA medical records. There's no indication that they conduct an on-hands examination, despite their own guidelines, and then, based on records sometimes 8 years old, deny that person employment.

Also, in their medical, preemployment medical guidelines, they say, medical records within the last 12 months. Here is a signed statement—I obliterated the veteran's name for his privacy—where he signed a statement on behalf of the Postal Service authorizing the use of his VA medical records. The Postal Service—well, I should have made enough copies here, but it's typed in here, that Postal Service regulations require that no disabled veteran applicant be employed until his VA medical records have been completely reviewed.

Now, when they go out—based on their guidelines—they should be asking the VA for records from the last 12 months. The opening paragraph: "All medical information relating to the diagnosis and treatment of all conditions for which I am service-connected."

This poor veteran signs this. He may not have been treated by the VA for more than 10 years. They send, according to this, 23 copies of something, and this veteran was denied employment. He was subsequently taken off the register in violation of section 3317 in title 5, and then, when I brought it to Ms. George's attention, or to the postmaster's attention, I got a letter back from Ms. George telling me that he's going through the appeal process. It's a violation of law.

Mr. **Siljander**. Ms. George, I guess that I don't quite understand why your system would go through—if in fact they do—such a tremendous hassle in bureaucracy just to determine whether or not one individual happened to be, what ratio of his disability. Do you agree with what's being said here? Now, I have to hear both sides of it. I hear what you're saying, Mr. Drach and——

Mr. **Drach**. I've got the documentation, sir.

Mr. **Siljander**. I'd just like to give Ms. George, if it's all right, an opportunity to respond to that. Is there any validity to that statement? Why go through all this hassle? Why extend the time and the cost and the energies, because the dismissal is inevitable if the person is lying anyway? And certainly it's verifiable if there's any question in the process of employment. I just don't quite understand why you have to go to such tremendous detail of this.

Ms. **George**. In terms of our effort to ascertain the 30-percent or more disabled employed by us?

Mr. **Siljander**. That's right. It certainly seems like you're going through an extreme amount of effort to determine that, when a document or two may be sufficient for at least initially analyzing whether or not he's sufficiently disabled.

Ms. **George**. I'm not sure that that's what Mr. Drach is referring to in some of his comments, though. We're talking about, I think, several different issues, one of which is the employment process in terms of medical history, medical examination, the currency of the individual's disability rating, all of that is both in compliance with the law, as well as our trying to have a full medical examination history of the individual. Because most of our positions are arduous in nature—physically demanding—and to protect both the individual as well as the Postal Service, we want to insure that the physical background is such that if employment is possible for a disabled person or anybody else, that they're not put in a situation which will exacerbate whatever physical problems they might have.

Mr. **Drach**. Well, why do you even violate your own medical guidelines? It's a fishing expedition. All medical records. Why don't you make your people say, within the last 12 months? They're your own guidelines. It's not something I'm fabricating.

Ms. **George**. I'll be glad to review that and——

Mr. **Drach**. That's another 2 years away.

Mr. **Siljander**. One last comment if I may, Mr. Chairman. I would sense that, the same as Mr. Dasche and yourself, sir, that it seems like communication is a serious problem. And I think, rather than having congressional action, or a move of the Congress, I think, rather, they should initially try to just sort of get communication going between the various organizations. I see obvious disagreement and some bitterness. I think much of that often can be resolved with just good, solid, honest, blunt communication. And I——

Mr. **Drach**. I've been doing that for 3 years and it hasn't worked very well.

Mr. **Siljander**. Well, maybe there needs to be more of an effort. Maybe this is what this hearing is all about, to force some sort of effort of listening, not just hearing, and true, deep listening to the problems and concerns that obviously you gentlemen are presenting to Ms. George and to the Congress.

Mr. **Edgar**. I think the point that you made, and Mr. Daschle made, and that I made about communication is well taken. I think that we've witnessed today, so far, anyway, a lack of communication on all sides. Without determining blame or fault, I think that additional work has to be made on the part of the Postal Service to communicate more effectively with the veterans' organizations.

This committee will stand in recess for 10 minutes. We'll return after the vote for some final questions.

[Recess from 10:15 to 10:30 a.m.]

Mr. **Edgar**. The committee will come to order. Mr. Siljander is unable to return with us and has asked that we have unanimous consent that all members be permitted the opportunity to submit some questions to the Postal Service and the veterans' organizations for response for the record. And I ask unanimous consent at this time.

I'd like to go through a number of additional question. I think the communication question was detailed fairly carefully in the first set of questions and I hope that there will be that kind of discussion.

First, let me turn to Ms. George again. Ms. George, could you explain why it took so long to settle the issue of the Postal Service coverage by the procedure for OPM review of adverse medical suitability determinations concerning 30-percent disabled veterans? Also, in your response, do you plan to take some action retroactively relative to disabled veterans who may have suffered as a result of those past procedures?

Ms. **George**. Yes. Let me give you a chronology of the events in the past year with respect to the 30-percent disability issue and OPM.

One thing to point out is that the Postal Service had had minimal dealings with OPM on suitability questions for nearly a decade at the time we received the letter from the General Counsel of OPM. We engaged in a number of discussions with OPM with regard to the orderly transition of cases and the issuance of our internal regulations on this matter.

On September 30, 1980, we prepared the first draft of our approach to the right-to-review process. Formally, we sat down with OPM officials on November 26, 1980, to discuss the draft and obtain additional instructional material to assist us in final regulations. On March 18, 1981, our proposed regulations for publication in personnel handbooks were forwarded to OPM for their comments. After additional discussion with OPM, they forwarded their final comments on May 28, 1981, and on September 10, 1981, the Postal Service issued its internal instructions in the Postal Service issued its internal instructions in the Postal Bulletin, which is a weekly publication that gets instructions out to the field prior to their being included in our more current manuals. This instruction established the procedure for the right-to-review process for 30-percent or more disabled veterans.

In terms of those who may have been adversely affected in that prior year, we are in the process now of identifying all cases where a 30-percent-disabled veteran was determined unsuitable at the initial level after September 18, 1980. We will send these cases to OPM for review and final decision.

Mr. EDGAR. Do you think that those procedures that you indicated at the end will be sufficient to address the persons who may have fallen through the cracks during the course of that year?

Ms. GEORGE. I would hope so. We have had in existence since, I think, May of 1978, a right of medical disability review with our regional medical doctors for any applicant who was turned down for employment because of medical reasons. So, certainly anybody who sought that process will be picked up and we will make every effort at the hiring installations to insure that they review their hiring registers and identify any action taken in regard to medical unsuitability of veterans who were 30-percent or more disabled.

Mr. EDGAR. If you were to counsel someone who feels as though they were discriminated against, what would your recommendation be?

Ms. GEORGE. Well, I think there are several approaches. They can contact the postmaster in their hometown with the information, or the place where they were seeking employment. They can contact one of our regions, or we'd be glad to hear from them in my office at the national headquarters.

Mr. EDGAR. Thank you. I'd like to make a part of the record a May 6, 1981, letter that I received from Edward Horgan, Assistant Postmaster General, Government Relations Department.[1]

In that letter to my district office in Chester, Pa., which is dated May 6, 1981, he states that the Postal Service has not found it necessary to utilize the discretionary additional preference available for the noncompetitive appointments of disabled veterans rated 30 percent or more. At the same time the Postal Service has also abandoned what had been a very good track record in implementing the discretionary veterans' readjustment appointment authority program for noncompetitive appointments for educationally disadvantaged Vietnam-era veterans.

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[1] See p. 125.

As you know, the House, the Senate, and the administration have supported an extension of the VRA program. This committee continues to support and encourage all federally sponsored agencies to utilize both of these noncompetitive appointment programs in the best interests of veterans. Other Federal agencies have found them effective.

Could you explain, Ms. George, why does the Postal Service seek to go its own route and abandon these programs?

Ms. GEORGE. In regard to the noncompetitive appointment procedure that is available, we do exercise that in terms of severely handicapped individuals, whether they are veterans or not. We feel that this is an adequate vehicle, coupled with the fact that disabled veterans rise through the register in the competitive process and that we are able to identify and select those who seek postal employment who have disabilities.

In terms of the VRA, the Postal Service after reorganization was not legally bound to continue this program, although we chose to do so until 1975. In 1975, in our negotiations with our major unions, the postal unions took a strong position on strictly limiting the number and types of employees who could perform bargaining unit work as a supplemental work force outside the bargaining unit.

The unions' demands in this area were based on the notion that public policy employees such as those in VRA employment not only could—the hours of part-time career employees in the regular work force but also received preferential treatment on tours of duty, days off, and assignments. Thus, it was agreed with the unions in 1975 in the national agreement—these are the major unions—that the supplemental work force be limited to one category of employees, which are known as casuals, who could receive only two 89-day appointements in a calendar year plus a 21-day appointment in December, which is during our high volume period for Christmas mail. All VRA and other public policy employees on the rolls at that time were allowed to serve out their current 1-year appointment with the option of being converted to career employees.

Mr. EDGAR. Let met just try to clarify this. I'm a bit confused. Despite the fact that the VRA program might be descretionary it is still part of public law. What you are telling me is that the Postal Service negotiated that provision of law away in contract negotiations.

Mr. MOE. I believe that the position of the Postal Service at the time of the 1975 negotiations, as Ms. George stated, was that we continued the VRA program on our own volition. Once we became the Postal Service we were not legally bound to do so, so I don't think we viewed it as negotiating away the coverage of a public law.

Mr. EDGAR. So it is your opinon that when the Postal Reorganization Act took place you were not bound by that law?

Mr. MOE. That's my understanding; yes.

Mr. EDGAR. This is very difficult. A number of questions like this come up all the time. When the Postal Service wants to be part of the Federal Government for subsidies you're clearly part of the Federal Government and part of the process of getting mail out to people who live in very obscure and far off places. You request and are given substantial subsidies. But there are times when you act as an independent body, so independent in fact that you want little connection with other agencies of the Federal Government. I've bumped up against that problem on a number of occasions. I think we could have made a mistake in the Postal Reorganization Act and should have kept the reorganization within the framework of the Federal Government, but that was not up to me.

I wonder if the VFW might respond to the VRA program and the statement in terms of the Postal Service being covered under the VRA?

Mr. MAGILL. As I stated within my testimony we were very dismayed that the Postal Service did relinquish this program within the union contracts. It was our understanding that the Postal Service was, I believe, ranked sixth over-all agency in their participation of the VRA's. And, as I also stated, the Postal Service had made approximately 3,600 VRA's, and of that number over 2,300 converted over to career or career-conditional status. We felt that this was a benefit to the Postal Service in getting career employees, and of course we are very concerned about employment for Vietnam veterans, we though it was just a very good program and we are upset that the postal union decided that it should have been a negotiating point in a contract.

Mr. GRAHAM. Mr. Chairman, I'd like to add one other point in regard to the statement that was made that since veterans are given 10 additional points, that this should be enough in regard to providing any type of preference toward veterans. A question that was sent to me from a disabled veteran who was refused employment stated, "Why give a veteran 10 points when the job being applied for cannot be done by the disabled vet?" We have somewhat of a "catch-22" situation here, where the veterans is given 10 points so that he can rise to the top of the list. However, once he gets to the top of the list he comes in for his medical examination and then is refused because he can't perform the job. So is that 10 points really doing anything for the veteran?

Mr. EDGAR. So, what you're saying is that if he's bumped out of that procedure he should perhaps be covered under the VRA program, if that was available?

Mr. GRAHAM. That is one procedure he could use. But it's really ironic on this aspect of getting the 10 points and then right after that, where he's feeling good that he's gone to the top of the list, he's knocked off. And the incredible thing on this medical examination—and we've had it time and time again—where the individual is not examined. He goes into the office, a doctor sits him down, and they review his VA medical records. And the veteran pays anywhere between $20 and $50 for that privilege. So he doesn't even get a medical examination out of the deal.

Mr. EDGAR. Ms. George, if we could go back to the first part of our question, the second part dealt with the VRA and the first part dealt with the other aspects of the hiring procedure. In the May 6 letter which I received there was a section that I didn't understand. I'd like to read it to you and see if you could perhaps explain it to met.

> The Civil Service Reform Act of 1978 granted additional preference to veterans with compensatable service connected disabilities of 30 percent or more. The Postal Service has not used this special appointment authority for a number of reasons.

Our competitive procedures are already introducing a high number of disabled veterans into the postal work force. The Postal Service is committed to filling all of its career vacancies on the basis of merit and competition to the fullest extent possible. We believe that any significant use of our authority to appoint noncompetitively those veterans with a 30 percent or greater disability would tend to further limit the jobs available to other deserving applicants, especially minorities and women.

Can you explain that paragraph to me?

Ms. GEORGE. I think it addresses the basis of the open merit process, which is determining his ability to perform a job based upon, for most of our jobs, merit examinations related to the nature of the jobs to be performed. The merit system is used. And to the extent possible, we think that this is the appropriate way to select people for employment. With the preference eligibilities of disabled veterans, they rise to the top of the register, having demonstrated through the written examinations they posses the mental skills necessary to perform the job, and we can employ them as long as their physical disabilities are not such that they are incompatible with the physical nature of the jobs to be performed. We prefer to hire on that basis to the extent possible.

In addition, as I mentioned previously, we do have an alternate procedure for the severely disabled which we do use to some extent on an alternate basis.

Mr. EDGAR. Let me shift gears again with a couple of other questions that are shorter and very specific. Ms. George, on page 6 of your statement you say that several of your employment-related handbooks include guidance on making reasonable accommodations for disabled individuals. Could you please give us examples of these handbooks for our file, and if they're small enough, for the record? You can make those available to us, if you would.

Ms. GEORGE. I certainly will provide you with the handbooks, or those parts of the handbooks which would be applicable, for the record. One of them, for example, it's known as P-11, is quite thick.

Mr. EDGAR. Thank you. You state on page 8 of your testimony, a figure that I alluded to before that 41 percent of the medically suitable appeals, the appeal was sustained. What is the average length of time that it takes to resolve this appeal?

Ms. GEORGE. I don't know, but we'll ascertain that and provide it for you.

Mr. EDGAR. Thank you. Could you also ascertain for the record whether or not the 41 percent of the 549 people got a job, or does it simply mean that only they were found medically suitable?

Ms. GEORGE. Let me ask——

Mr. EDGAR. Thank you. Ms. George, would you explain some of the preemployment medical provisions for me? It is my understand that all selected eligibles for postal employment must receive preemployment medical examinations. Is that true?

Ms. GEORGE. That's correct.

Mr. EDGAR. It's also my understanding that it states in the preemployment medical provisions that a disabled veteran applicant will not be appointed until a current medical examination is scheduled, where necessary. Is the medical exam routine or mandatory?

Ms. **George**. About the exam for disabled veteran?

Mr. **Edgar**. Yes, the medical exam for a disabled veteran applicant.

Ms. **George**. He's treated, as far as the basic medical examination is concerned, the same as any applicant and if there is a determination that there is some type of medical problem which needs further investigation, that would be pursued by the Postal Service—to obtain additional laboratory tests, additional opinions of doctors, or reviewing or examining the individual's medical history.

Mr. **Edgar**. Is the veteran's total medical record reviewed, or is it just a full year prior to his application?

Ms. **George**. We like to review any individual's full medical history to ascertain if there are any problems that might confront the individual in performing the job for which he or she is applying. Mr. Chairman, we'd be glad to provide for the record our preemployment procedures so that you can see all the steps that are gone through for applicants for the Postal Service. That might help clarify some of these questions.

Mr. **Edgar**. That would be very helpful. You state that the Postal Service national medical director does not have direct review involvement in the appeal process. Would you elaborate further on the responsibilities of that position?

Ms. **George**. The national medical director is responsible for the policies and programs governing the health of postal employees and the medical questions that arise from the appointment of people into the Postal Service. He has functional responsibility for the regional medical officers, who are in the appeal process for suitability questions. He does, on occasion, if there are special questions arising from somebody who has a concern about being rejected for employment or having some sort of concern regarding prior employment in the Postal Service, intervene and look at some of these medical questions, but he's normally not involved in the appeal level, which stops for most applicants at one of our five regions.

Mr. **Edgar**. Do you know or can you provide for the record the number of physicians that are employed by the Postal Service?

Ms. **George**. We can provide that for the record.

Mr. **Edgar**. And also, provide for the record the number of medical staff in toto, that is provided.

Ms. **George**. All right.

Mr. **Edgar**. And also, the number of staff for the national medical director's office.

Ms. **George**. I'll be glad to.

Mr. **Edgar**. Do medically unsuitable determinations outline the specific job requirements and how the applicant's disability would interfere with those requirements?

Ms. **George**. I'm not sure I can answer that fully. When we have a medical examination performed on an individual, the examining physician has as part of the information provided to him the requirements of the particular job for which the person is an applicant, whether it's a letter carrier, distribution clerk, mailhandler, or whatever.

Mr. EDGAR. I'm not sure I quite understand. If you have someone who you're reviewing for a job, how do you match them up?

Ms. GEORGE. In terms of the individual on the job? Oh, the individual takes an examination for a particular type of job. For example, if a person would like to become a letter carrier, he takes the examination that is given to those who are out for the position of letter carrier or clerk. He designates which job he is seeking to achieve, and then, based on that, when there is a need to hire people to be letter carriers, they go to that particular register of individuals and begin working the register to bring people in for preemployment medical examinations and interviews prior to employment.

Mr. EDGAR. This is just a question off the top of my head, but how often do you go back to your hiring people, your personnel people, and remind them to be sensitive to the needs of the disabled veteran?

Ms. GEORGE. Well, we go back to our hiring people on a regular basis through reviews of hiring practices that are conducted by our field staff as they go into various offices on a continuing basis to review hiring practices, to assure that all of the regulations in terms of employment are being carried through.

Mr. EDGAR. So, regular, meaning annually, or quarterly, or when needed, or——

Ms. GEORGE. Each region has a program. I don't know that every employment office is examined every year, but they try to hit a large number of them on an ongoing basis. It's an ongoing program.

Mr. EDGAR. You stated in your testimony, Ms. George, that 89 percent of the disabled veterans hired have been retained beyond their 90-day probationary period. That leaves 11 percent who are discharged. Do you have any breakdown as to why and what are the reasons those 11 percent are not retained?

Ms. GEORGE. I don't think we have any statistical breakdown on that. It would be a variety of things: failure to handle the job effectively, to learn the various things that need to be learned, absenteeism, attitude, other things like that. It can be a variety of things, but we have not maintained specific breakouts of those types of reasons.

Mr. EDGAR. Is that a higher or lower percentage, in your opinion, as a guess, than the rest of the population that may be hired on a probationary 90-day period?

Ms. GEORGE. The rest of the population is slightly over 90-percent retention beyond the 90-day period, but it's within a couple percentage points.

Mr. EDGAR. And the reason for disabled veterans being lower would be what?

Ms. GEORGE. I don't have an answer for that.

Mr. EDGAR. How many total Postal Service employees are Vietnam-era veterans?

Ms. GEORGE. We don't have any type of information that we could put our hands on.

Mr. **Edgar**. You're not able to determine how many are Vietnam-era who work in the post office?

Ms. **George**. No, I'm not.

Mr. **Edgar**. How many of those are disabled veterans that work within the system? We've heard the 10,000 figure used on two occasions today.

Ms. **George**. The 10,000 figure is our best knowledge on our official records of severely handicapped individuals and probably does not include many disabled veterans. We have, as part of our attachment to my testimony, the figures in terms of disabled veterans among career employees which totals 77,528. Of that, 40,503 are compensable disabled veterans. So that the figure is in addition to the 10,000 severely handicapped.

Mr. **Edgar**. I wonder—I've asked a number of questions—whether the VFW or the Disabled American Veterans would be interested in reacting or responding to any of those questions? Mr. Graham?

Mr. **Graham**. Mr. Chairman, approximately a week and a half ago we contacted the post office to determine what exactly was the turnover rate for disabled veterans. The individual whom I believe was in the special programs section stated that that information probably wasn't availble, would require considerable research, and that probably there would be some sort of a cost factor involved. We heard back from the individual approximately 3 or 4 days later. She stated that she had attempted to contact me, however, she couldn't reach me, which I didn't understand. But, then again, she reiterated that she didn't have that information available and that it would probably require considerable research, and utilizing the Freedom of Information Act would be the only way that we would be able to obtain that information.

I find that type of attitude by the post office to be indicative that they are trying to keep this type of information away from us. We can only ascertain that it's the nature of the information. Now, they knew that they had to supply this information today on the questions that you asked in your original letter, and we just don't understand why they're taking this kind of attitude toward veterans' organizations.

Mr. **Edgar**. Mr. Drach, do you have a comment?

Mr. **Drach**. Yes, Mr. Chairman. First of all, I apologize for my outburst earlier. I will try to maintain my composure throughout the rest of the hearing.

A couple of things I would like to touch on. Mr. Daschle talked about—I'm sorry, Mr. Graham brought up the subject of the Postal Service taking the lead in trying to do away with the minimum standard of accessibility. I would just want it mentioned in the record that the legislation, again the statutory mandate that requires these buildings to be accessible, was back in 1968. So it's not something that's relatively new. We're talking about almost archaic legislation they're getting around to doing something about.

Mr. **Edgar**. 1968?

Mr. **Drach**. Architectural Barriers Act, which required that Government-owned and leased buildings be accessible to the handicapped. Now, that——

Mr. **Edgar**. I think the provision was section 504.

Mr. DRACH. That's in the Rehabilitation Act of 1973. That just reemphasized the whole accessiblity issue. And the Postal Service in and by itself is not totally to blame for this lack of activity in the Federal Government as a whole. Throughout the last five or six administrations they have not taken any action on that accessibility issue.

Ms. George also mentioned the need to perhaps use the 30-percent-or-more data in case of a possible layoff. Unless I'm mistaken, the unions are very strong in their contract with a no-layoff clause, so I think that may be a moot issue on terms of layoffs. Unless, of course, they didn't get it in the new contract, which I seriously doubt.

Mr. EDGAR. If the gentleman would yield, I think Ms. George might want to respond to that comment.

Ms. GEORGE. In the 1978 national agreement, there was provision for a layoff process put into the contract so that the absolute no-layoff clause that had been in prior contracts is no longer there. We'd be glad to provide the language on that to you, Mr. Drach.

Mr. DRACH. Thank you very much. I appreciate it. I stand corrected on that.

On the issue of section 3312, Ms. George indicated that they were intending to make the process effective September 18, 1980, the date of the General Counsel opinion. DAV will continue to attempt to change that. The law became effective in January of 1979. I think it was 60 days after the enactment of the Civil Service Reform Act. Mr. Bolger admitted in May of 1979 that those provisions included in section 3312 were applicable to the Postal Service and to make this procedure effective only on the date that the OPM General Counsel said that they had to do it is inexcusable. And whatever means it takes, we will continue to try and have OPM mandate them to go back to the effective date of that provision and not 2 years later.

And the whole thing, on the procedures, I'm a little bit skeptical that they will work. I think it's been pointed out that they were in violation of section 3312, they're still in violation of section 3317, they're still in violation of section 501 of the Rehab Act, they're still in violation of section 2410, title 38, United States Code, they still don't follow their own reemployment medical guidelines. I just can't be too optimistic that they're now going to effectively monitor or implement these new procedures.

You mentioned, and Ms. George addressed the issue of "other deserving applicants." In our prepared testimony we concede and admit there are certainly groups of other deserving applicants, but I'd like to point out that I think that the Congress in its deliberations the last 37 years has felt that disabled veterans might be just a little bit more deserving when they gave us veterans' preference in 1944, reaffirmed and extended that preference in 1978.

It's also interesting that in the congressional deliberations of 1964 in enacting the Civil Rights Act of 1964, section 712—and I'll paraphrase if I may—says that this section does not mean to abridge or amend any existing laws or regulations at the State or Federal level dealing with veterans' preference. So even in dealing with civil rights they injected the veterans' preference provisions.

I'm still confused on the medical suitability thing. In the opening paragraph or so of the preemployment medical guidelines they say, all people being considered shall receive a physical examination. When they talk about receipt of VA medical records, there's a sentence in there—I can't give the exact wording—but it says something like, a medical exam will be scheduled where applicable. I mean, if all are supposed to receive it, then where does the "where applicable" come in, when it comes to veterans, after reviewing the medical records?

And, if I may, just two more things along what's been already discussed. We see an inordinate number of cases where the veteran, the disabled veteran is denied employment truly on the speculation that the disability might get worse. That's in violation of the regulations. The issue of termination before 90 days, I don't have any statistics on it, but I do believe that a large number of disabled vets—and I do have a case that was brought to my attention last week. On the 87th day he was terminated because they had not received the VA medical records.

Now, assuming they gave him a physical exam prior to employment as the guidelines state, the medical records should be moot. But, based on these medical records, they terminated him under this law. The injuries were subsequently appealed and the decision was overturned. All they did was put him back in the register. They should have in my opinion reinstated him to that job from which he was erroneously terminated, and they didn't. So he's on the point.

Mr. **Edgar**. Before I make a closing comment, I want to give each of our witnesses an opportunity for a closing statement. Mr. Drach, I think you've probably made your closing comment. Mr. Graham or Mr. Magill? Ms. George?

Ms. **George**. I would like to comment that the Postal Service is committed to hiring people in accordance with the law, whether it's veterans or other people. We are committed to assuring that our procedures are as efficient and effective as they can be and if some of the issues raised here today indicate that we need to review and revise some of our procedures or clarify some of the wording in some of the guidelines, whether it's in the medical area or what, we will certainly give this attention. The Postal Service has no intention or desire to discriminate against any group of people, whether they're disabled veterans, veterans, or other members of American society.

Mr. **Edgar**. Obviously there is serious disagreement among the parties involved in at least today's discussion. In light of last year's hearings and this hearing, there is still a great deal of dissatisfaction in trying to resolve the different points of view.

This subcommittee, the Subcommittee on Education, Training, and Employment, having twice held hearings on this issue, is prepared to have additional hearings as well as additional investigation into this particular problem. We're going to be keeping our eyes and our ears open and hope to work with the Postal Service and the veterans' organizations in resolving these difficulties. I think we can go a long way by improving our communication. I think we can also go a long way in understanding the high degree of sensitivity that there is to the hiring of veterans and particularly disabled veterans and the need to have a full accounting of the procedures and practices that are involved.

We will continue to keep our staff involved in this issue and if there are additional questions or comments that you'd like to make for the record, we invite you to do so.

I would also hope that you would keep our staff informed as to the progress on some of the issues that we have dealt with. I look forward to some of the submissions that you will make for the record.

This hearing now stands adjourned.

[The hearing was adjourned at 11:10 a.m. on October 14, 1981.]

APPENDIX

STATEMENT OF NANCY L. GEORGE
ASSISTANT POSTMASTER GENERAL FOR EMPLOYEE RELATIONS
UNITED STATES POSTAL SERVICE
BEFORE THE
SUBCOMMITTEE ON EDUCATION, TRAINING AND EMPLOYMENT
COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES
OCTOBER 14, 1981

MR. CHAIRMAN: I AM NANCY L. GEORGE, ASSISTANT POSTMASTER GENERAL FOR EMPLOYEE RELATIONS. I AM PLEASED TO BE HERE AGAIN TO DISCUSS VETERANS' EMPLOYMENT PROGRAMS IN THE POSTAL SERVICE. THE INVITATION ASKED US TO ADDRESS CERTAIN SPECIFIC QUESTIONS, AND ALSO TO GIVE AN ASSESSMENT OF THE RESPONSIBILITIES AND PERFORMANCE OF THE POSTAL SERVICE IN COMPLYING WITH CURRENT OFFICE OF PERSONNEL MANAGEMENT REGULATIONS REGARDING VETERANS' EMPLOYMENT. I AM PARTICULARLY PLEASED TO RECEIVE THIS INVITATION BECAUSE I BELIEVE THE POSTAL SERVICE'S RECORD IN VETERANS' EMPLOYMENT IS ONE TO BE PROUD OF.

BY VIRTUE OF THE POSTAL REORGANIZATION ACT, VETERAN PREFERENCE ELIGIBLE APPLICANTS AND EMPLOYEES OF THE POSTAL SERVICE ARE SUBJECT TO OPM REGULATIONS RELATING TO VETERANS' PREFERENCE IN THE SAME MANNER "AS IF THEY WERE IN THE COMPETITIVE FEDERAL SERVICE." (39 USC §1005(A)(2)). OUR PERSONNEL REGULATIONS REFLECT THE FIVE AND TEN POINT HIRING PREFERENCE FOR PREFERENCE ELIGIBLES, AS WELL AS THE PROVISION FOR GIVING FIRST CONSIDERATION TO COMPENSABLY DISABLED VETERANS. FOR JOBS NOT FILLED FROM RANKED REGISTERS, VETERAN PREFERENCE IS RECOGNIZED IN THE GROUPING OF EMPLOYEES FOR CONSIDERATION. AND THE POSTAL

SERVICE RESERVES MANY OF ITS ENTRY-LEVEL MAINTENANCE POSITIONS FOR VETERANS, IF VETERANS ARE AVAILABLE. ALL THESE HIRING PREFERENCES ARE IN ACCORD WITH THE REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT.

THE LARGE REPRESENTATION OF VETERANS IN THE POSTAL WORKFORCE SHOWS THE IMPACT OF THESE HIRING PREFERENCES. AS SHOWN IN TABLE I ATTACHED TO THIS STATEMENT, 54.9% OF OUR CURRENT CAREER WORKFORCE CONSISTS OF PREFERENCE ELIGIBLES. OVER 77,000 EMPLOYEES, NEARLY 12% OF OUR TOTAL WORKFORCE, ARE DISABLED VETERANS. I WOULD LIKE TO BE ABLE TO GIVE YOU A DEFINITIVE REPORT ON THE NUMBER OF EMPLOYEES IN OUR WORKFORCE WHO ARE 30% OR MORE DISABLED. UNFORTUNATELY, WHEN WE ATTEMPTED A SURVEY LAST SUMMER TO DETERMINE THIS FIGURE, MANY VETERANS WERE DISSUADED BY VETERANS ORGANIZATIONS FROM RESPONDING, FOR REASONS AS YET UNCLEAR TO US. WE ARE IN THE PROCESS OF CONSIDERING WHETHER ANOTHER CANVASS WOULD BE HELPFUL IN PROVIDING US A CLEAR PICTURE. AS TABLE I INDICATES, THE POSTAL SERVICE HAS A SIGNIFICANTLY HIGHER PERCENTAGE OF VETERANS OF ALL CATEGORIES THAN DOES THE REST OF THE FEDERAL WORKFORCE.

I THINK IT'S ALSO SIGNIFICANT TO LOOK AT TRENDS. WHEN I TESTIFIED JUST OVER A YEAR AGO, I PREDICTED THAT ALTHOUGH THE POSTAL SERVICE WOULD CONTINUE TO EMPLOY A HIGH PERCENTAGE OF VETERANS, WE WOULD BEGIN TO SEE A DECLINE IN THE ABSOLUTE NUMBER

OF VETERANS SEEKING POSTAL EMPLOYMENT BECAUSE OF THE OCTOBER 15, 1976 CUTOFF FOR PEACETIME PREFERENCE. THE OVERALL PERCENTAGE OF VETERANS IN OUR CAREER WORKFORCE HAS DECLINED FROM 56.7 TO 54.9, BUT THE OVERALL PERCENTAGE OF DISABLED VETERANS HAS INCREASED FROM 11.2 TO 11.8. THIS CONSTITUTES A NET INCREASE OF 5,000 ADDITIONAL DISABLED VETERANS OVER A YEAR AGO.

TABLE II SUMMARIZES OUR HIRING RECORD OVER THE PAST YEAR. AS YOU CAN SEE, 12.6% OF OUR CAREER ACCESSIONS WERE DISABLED VETERANS, AND MOST OF THOSE, NEARLY 10% OR 5,262 CAREER HIRES, WERE COMPENSABLY DISABLED VETERANS.

A NUMBER OF FACTORS ARE AT WORK IN CHANGING OUR OVERALL WORKFORCE PROFILE - A HIGH RETIREMENT RATE AMONG WORLD WAR II AND KOREAN WAR VETERANS, AS WELL AS THE EFFECT OF FEWER PREFERENCE ELIGIBLE VETERANS LEAVING MILITARY SERVICE. THE FACT THAT THE PERCENTAGE OF DISABLED VETERANS NEVERTHELESS HAS INCREASED, RATHER THAN DECLINED, SHOWS THAT OUR PROGRAMS ARE DOING THEIR JOB IN RESPECT TO OUR OBLIGATIONS TO DISABLED VETERANS.

AS INDICATED IN MY PREVIOUS TESTIMONY, BECAUSE OUR PREFERENCES ARE HAVING GOOD SUCCESS, WE HAVE NOT NEEDED TO PUT ASIDE OUR COMMITMENT TO FILLING AS MANY POSITIONS AS POSSIBLE THROUGH

COMPETITIVE SELECTION PROCEDURES IN ORDER TO CALL ON THE DISCRETIONARY AUTHORITY UNDER SECTION 3112 OF TITLE 5 TO MAKE NONCOMPETITIVE APPOINTMENTS OF VETERANS WITH COMPENSABLE DISABILITIES OF 30% OR MORE, NOR DO WE CONTINUE TO USE VETERANS READJUSTMENT APPOINTMENTS. WITHOUT THE LATTER, OUR EMPLOYMENT STATISTICS SPEAK FOR THEMSELVES AS TO OUR RECORD IN PROVIDING EMPLOYMENT OPPORTUNITIES FOR VIETNAM-ERA VETERANS.

ALTHOUGH I KNOW THE FOCUS OF THIS HEARING IS ON VETERANS' EMPLOYMENT, I WANT TO SPEAK BRIEFLY TO THE BROAD QUESTION OF AFFIRMATIVE ACTION. AS YOU MAY KNOW THE POSTMASTER GENERAL AND OUR BOARD OF GOVERNORS RECENTLY ISSUED STRONG STATEMENTS ON THE NEED TO INSURE THE ABSENCE OF DISCRIMINATION IN ALL ASPECTS OF POSTAL EMPLOYMENT AND TO MOVE TOWARD A FULLY REPRESENTATIVE WORKFORCE BY REMOVING ARTIFICIAL BARRIERS TO EQUAL EMPLOYMENT OPPORTUNITIES. I WANT TO ASSURE YOU THAT WHILE WE HAVE A CLEAR VISION OF WHERE WE WOULD LIKE TO BE IN THE AREA OF AFFIRMATIVE ACTION, WE FULLY RECOGNIZE THE NEED TO WORK WITHIN OTHER APPLICABLE STATUTES AND REGULATIONS - INCLUDING THOSE ON VETERANS' PREFERENCE. MANY DIVERSE GROUPS ARE CLAMORING FOR A BIGGER SLICE OF THE EMPLOYMENT PIE, OFTEN TO OBVIOUS DETRIMENT OF OTHER GROUPS. THESE DEMANDS ARE OFTEN MADE WITHOUT APPRECIATION OF THE MANY STATUTORY AND REGULATORY DEMANDS ON THE SELECTION PROCESS. THE BEST WAY TO ADDRESS THESE CONCERNS IS TO FILL AS MANY OF OUR POSITIONS AS POSSIBLE THROUGH OPEN COMPETITIVE HIRING, ADMINISTERED AS FAIRLY AS WE POSSIBLY CAN.

I PLAN NOW TO TURN TO THE SPECIFIC REQUESTS FOR INFORMATION NOT COVERED IN MY GENERAL ASSESSMENT OF WHERE WE ARE IN THE OVERALL AREA OF VETERANS' PREFERENCE.

DURING THE LAST 12 MONTHS, 6,152 OF THE DISABLED VETERANS HIRED, OVER 89% - HAVE BEEN RETAINED BEYOND THEIR 90-DAY PROBATIONARY PERIOD.

AS TO YOUR REQUEST FOR COPIES OF EEO STATUS REPORTS, ALTHOUGH THE BOARD OF GOVERNORS HAS RECENTLY ASKED FOR SUCH A REPORT, NONE HAVE YET BEEN MADE AND THE BOARD HAS NOT YET ESTABLISHED A FORMAT FOR THE REPORT.

YOU ASKED SEVERAL QUESTIONS REGARDING OUR GENERAL AFFIRMATIVE ACTION POSTURE WITH REGARD TO DISABLED VETERANS. LAST YEAR OUR EEO OFFICERS AND PERSONNEL STAFFING SPECIALISTS RECEIVED TRAINING ON POSTAL SERVICE REGULATIONS GOVERNING EMPLOYMENT AND PLACEMENT OF POSTAL APPLICANTS. THIS TRAINING INCLUDED DISCUSSION OF VETERANS' PREFERENCE REQUIREMENTS AND GUIDANCE IN THE HIRING OF HANDICAPPED INDIVIDUALS. THIS SPECIAL TRAINING WAS IN ADDITION TO WHAT IS NORMALLY PROVIDED OUR EEO OFFICERS AND EEO PROFESSIONAL STAFF ON AFFIRMATIVE ACTION PROGRAMS, INCLUDING THOSE FOR HANDICAPPED PERSONS AND DISABLED VETERANS. IN ADDITION, THE POSTAL SERVICE REGULARLY REVIEWS PERFORMANCE AT MAJOR POSTAL FACILITIES TO SEE THAT PERSONNEL POLICIES AND PROCEDURES ARE FULLY IMPLEMENTED.

SEVERAL OF OUR EMPLOYMENT-RELATED HANDBOOKS INCLUDE GUIDANCE ON MAKING REASONABLE ACCOMMODATION FOR DISABLED INDIVIDUALS IN THE EXAMINATION, HIRING AND PLACEMENT PROCESS. ADDITIONAL INSTRUCTIONS ARE BEING DEVELOPED. WE ARE WORKING ON A VETERAN AFFIRMATIVE ACTION PLAN FOR DISABLED VETERANS AS PART OF OUR OVERALL AFFIRMATIVE ACTION PLAN FOR HANDICAPPED INDIVIDUALS.

WE DO NOT PROVIDE SPECIAL NOTICE TO VETERANS OF THEIR RIGHT TO FILE DISCRIMINATION COMPLAINTS WHEN ADVERSE SUITABILITY DETERMINATIONS ARE MADE. WE ARE AWARE OF NO REGULATORY REQUIREMENT TO DO SO. ALL POSTAL SERVICE PERSONNEL OFFICES ARE REQUIRED TO DISPLAY PROMINENTLY A NOTICE OF THE RIGHT TO FILE A DISCRIMINATION COMPLAINT AND THE PROCEDURES FOR DOING SO.

AS YOU KNOW, WHEN I TESTIFIED LAST YEAR, THE ISSUE OF POSTAL SERVICE COVERAGE BY THE PROCEDURE FOR OPM REVIEW OF ADVERSE MEDICAL SUITABILITY DETERMINATIONS CONCERNING 30% DISABLED VETERANS WAS AS YET UNSETTLED. THIS WAS THE SUBJECT OF THE FEBRUARY 26, 1981 LETTER TO MR. DRACH TO WHICH YOU REFERRED IN YOUR RECENT LETTER, MR. CHAIRMAN. THIS QUESTION HAS NOW BEEN SETTLED AND OUR PROCEDURES FOR AFFORDING SUCH REVIEW RIGHTS ARE IN PLACE. I HAVE JUST INSTRUCTED OUR REGIONS AND FIELD INSTALLATIONS TO BEGIN TRACKING THE NUMBER OF APPEALS PROCESSED AND THE RESULTS OF REVIEWS BOTH AT OUR REGIONAL APPEAL LEVEL AND AT OPM. WE WILL INCLUDE REVIEWS OF COMPLIANCE WITH THESE

PROCEDURES AS A REGULAR PART OF OUR INTERNAL HIRING PRACTICE REVIEWS.

YOU REQUESTED INFORMATION ON THE POSTAL SERVICE'S CURRENT MEDICAL SCREENING PROCEDURES. OUR MEDICAL PERSONNEL ARE RESPONSIBLE FOR MAKING MEDICAL SUITABILITY DETERMINATIONS FOR POSTAL APPLICANTS. OPM MAKES THE FINAL MEDICAL DETERMINATION IN CASES OF VETERANS WHO ARE 30% OR MORE DISABLED.

IN DETERMINING SUITABILITY, MEDICAL PERSONNEL RELY ON INFORMATION OBTAINED FROM THE PROSPECTIVE APPOINTEE, THE VETERANS ADMINISTRATION, AND ANY PRIVATE PHYSICIAN OR CLINIC, IN CONJUNCTION WITH THE CERTIFICATE OF MEDICAL EXAMINATION AND APPLICATION FOR EMPLOYMENT. APPLICANTS CAN ASSIST THE MEDICAL OFFICER IN MAKING AN OBJECTIVE MEDICAL SUITABILITY DETERMINATION BY ENSURING THAT REQUESTED INFORMATION IS PROVIDED.

ANY DETERMINATION OF MEDICAL UNSUITABILITY MUST BE FULLY DOCUMENTED, AND BASED ON OBJECTIVE CLINICAL INDICATIONS OR LABORATORY RESULTS. THE APPOINTING OFFICIAL IS RESPONSIBLE FOR MAKING THE HIRING DECISION, MINDFUL OF THE MEDICAL OFFICER'S RECOMMENDATION. WHEN AN APPOINTING OFFICIAL DECIDES NOT TO APPOINT BASED ON MEDICAL UNSUITABILITY, THE OPM "RIGHT TO REVIEW" PROCESS AUTOMATICALLY BECOMES AVAILABLE TO EACH APPLICANT WHO IS 30% OR MORE DISABLED.

All other applicants have the right to file an appeal to the Regional Medical Officer, who reviews the documented medical file along with any additional medical information provided by the applicant. This affords a meaningful opportunity for reconsideration of the initial determination. In the past year, some 1,336 medical suitability appeals have been decided by our Regional Medical Officers. In 549, or 41%, of these cases, the appeal was sustained and the initial unsuitability determination was reversed. It is worth noting that the reversal is often the result of more complete medical information supplied by the appellant at the reconsideration stage. Our National Medical Director does not have a direct involvement in the review process; however, he provides administrative guidance and assistance to Regional Medical staff.

Again, Mr. Chairman, we are proud of our record in veterans' employment and I am pleased to have had the opportunity to address you on this important subject. I would now be happy to answer any questions you may have.

TABLE I

United States Postal Service
Employment of Veterans

	Total	Preference Eligible (all categories)	Disabled Veterans Non-Compensable	Disabled Veterans Compensable	Disabled Veterans Total
Career Employees[1]	651,623	358,045 (54.9%)	37,025 (5.7%)	40,503 (6.2%)	77,528 (11.8%)
All Employees[2]	700,892	367,522 (52.4%)	37,667 (5.4%)	41,184 (5.9%)	78,851 (11.3%)

Comparison of Career Employees -	As of 8/21/81 U.S.P.S.	As of 4/30/81 Other Federal Agencies[3]
Veterans	54.9%	39.2%
Disabled Veterans	11.8%	4.6%
Compensable Disabled Veterans	6.2%	3.0%

[1] "Career" positions include all those filled by a career appointment, either full-time or part-time.

[2] Includes all career employees, plus all non-career (e.g., casual, temporary, postmaster relief/leave replacement, substitute and auxiliary rural carriers)

[3] Source: Office of Personnel Management

TABLE II

CAREER HIRING ACTIVITY September 20, 1980 - September 18, 1981

By Veteran Preference Status

Total	Veteran Preference Eligible	Disabled Veterans Non-Compensable	Disabled Veterans Compensable	Total
54,854	14,948 (27.25%)	1,653 (3.01%)	5,262 (9.59%)	6,915 (12.61%)

By Sex

Total	Male	Female
54,854	34,736 (63.3%)	20,118 (36.7%)

By Minority Code

Total	American Indian/ Alaska Native	Pacific Islander	Black	Hispanic
54,854	160 (.29%)	2,129 (3.88%)	10,064 (18.35%)	2,756 (5.04%)
	White	Non-Hispanic in Puerto Rico	Employees in Guam/Hawaii	Uncoded
	39,003 (71.1%)	17 (.03%)	177 (.32%)	539 (.98%)

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

December 2, 1981

Dear Congressman Edgar:

This will provide the information requested in the course of my testimony before the Subcommittee on October 14, and your letter of the same date. I am pleased to provide supplementary information about Postal Service employment practices in the following areas:

1. Hiring Process
2. Medical Screening
3. Veteran Preference in Appointment of Third-Class Post Offices-CAG K
4. Regional Appeal Process of Adverse Medical Suitability Determinations
5. VRA and Non-Competitive Hiring Authority
6. Handicapped Affirmative Action Plan
7. State Rehabilitation Certification
8. Regulations and Policies

1. Hiring Process

The Postal Service regulations regarding the recruitment and hiring of personnel can be found in our Personnel Operations Handbook, P-11. Most of our hiring is to entry-level "bargaining unit" positions such as clerk, carrier, mail handler, and custodian. These positions are primarily filled from registers of eligibles established in the following manner.

In response to an announcement of a test opening for a specific entry-level position, the applicant submits an application for employment and is subsequently tested. The scores of veteran preference applicants who achieve an eligible rating are increased by five or ten points depending on the preference.

The applicant's score, including preference points, determines his/her relative position on the hiring register. Those with a 10 percent or greater compensable service-connected disability are placed at the top of the register in descending order of their scores, ahead of all other candidates.

When the Postal Service needs career appointees, names are taken from the hiring register and placed on a hiring worksheet in the same numerical order as their register placement. Sufficient names are taken from the register to fill the number of open positions. Applicants whose names are entered on the hiring worksheet are questioned as to their availability, and those who indicate a current interest in employment undergo a screening process. This process includes a review of their past employment record, medical suitability for the position, and personal suitability for the job, including any record of criminal conviction, and an adjudication of the veteran's claim for preference.

The adjudication process includes the presentation of records, dated within the last 12 months, showing the allowance of permanent or indefinite disability preference for compensable preference claims. The purpose of adjudication is to verify the "preference" claim, thus ensuring the integrity and fairness of the hiring process.

If an applicant is found to be either medically or personally unsuitable for the position, his/her name may be eliminated from consideration. This applies to both preference and non-preference eligibles. If, at this time, no information is uncovered which warrants a finding of unsuitability, the applicant may be hired.

Each such applicant receives three considerations for appointment. The individual selected must be among the three top available applicants. There is no guarantee that the individual with the highest score in the group of three will be the selectee; however, except for the suitability factors mentioned, a veteran may not be passed over to hire a non-veteran whose standing is lower on the register.

2. Medical Screening

USPS medical personnel are responsible for making medical suitability determinations for all postal applicants; however, the Office of Personnel Management (OPM) makes final medical determinations in cases of veterans who are 30 percent or more disabled.

Our regulations require that all prospective employees meet the physical standards of the positions for which they apply. The nature of the work done by postal employees is physically demanding, and appointing officials must ensure that applicants are able to perform the essential physical requirements without hazard to themselves or others.

In determining suitability, medical personnel rely on information obtained from the prospective appointee, Veterans Administration, and/or private physician or clinic, in conjunction with the "Certificate of Medical Examination" and application for employment. Information from all of these sources is obtained by use of Form 2488, "Authorization for Medical Report" and, in the case of veterans, Form 5902, "Request for VA Medical Survey." Applicants can assist the Medical Officer in making an objective medical suitability determination by ensuring that complete information is provided the evaluating physician. Any determination of medical unsuitability is fully documented and based on objective clinical indications or laboratory results.

The appointing official is responsible for making the hiring decision, mindful of the Medical Officer's recommendation. When an appointing official decides not to appoint, applicants who are disabled veterans with a compensable status of 30% or more are automatically afforded an OPM "Right to Review." (OPM Review is also afforded 30% disabled veterans found unsuitable based on personal suitability factors.) All other applicants found to be medically unsuitable are notified of their internal appeal rights.

3. Veteran Preference in Appointment of Third-Class Post Offices - CAG K

The postmaster position at most third-class, or CAG-K, offices is ranked at EAS level 11. For every level 11 postmaster vacancy, where there is a career clerk assigned to the office, we first consider filling it through a noncompetitive appointment of the clerk. If the postmaster vacancy is not filled in this manner, it is advertised internally to all qualified career postal employees in the same Management Sectional Center area. Usually a lower level postmaster or clerk is promoted, often moving from part-time to full-time. Veteran preference does not apply to these internal selections.

Only if no qualified career employees apply for the position do we recruit externally at this level; this is rarely the case and occurs principally in rural or remote areas. When this does occur, the notice of the vacancy is posted in the lobby of the post office for 10 days. The Postal Inspection Service conducts an investigation into the background, experience, and qualifications of each applicant. This results in a register of eligibles, with each eligible's veteran preference (if any) shown.

Those veterans with a compensable service-connected disability of 10 percent or more are listed before all other applicants. The Sectional Center Manager (SCM) receives the Postal Inspector's report along with the list of eligibles. The SCM considers the top three candidates, then makes the decision as to which candidate best meets the needs of the position. The selection is made in accordance with the same veteran preference rules as any other entry-level selection in the Postal Service.

During FY 81, we appointed 478 postmasters at CAG-K post offices. Of this number, only six were filled through external recruitment.

4. Regional Appeal Process of Adverse Medical Suitability Determinations

Prior to implementation of the OPM right to review for 30% disabled veterans, all applicants had the right to file an appeal to the appropriate Regional offices. This appeal process included the Medical Officer's review of documented medical files, along with any additional medical information provided by the applicant. This process afforded a meaningful opportunity for reconsideration of the initial determination. From September 20, 1980 to September 18, 1981 our hiring activity represented 54,854 appointments. The medical screening process associated with this hiring activity resulted in only 1,843 requests for an appeal of adverse medical suitability determinations. Five hundred forty-nine appealed medical suitability determinations were reversed by the Regional General Managers, Employee Relations, and of these, 265 have received appointments. The remainder of the applicants are on the active register awaiting appointment consideration consistent with local hiring needs. It should be noted that of the 1,843 applicants who filed a request for an internal appeal in FY/81, 1,453 were veterans. This internal review process continues in place for applicants other than 30% disabled veterans.

Our internal Regional review process has been taking from four to six months from the time of the adverse medical suitability determination, depending on the complexity of the medical problem and the extent to which additional medical information must be sought in order to make an informed decision on the appeal. We have taken steps to shorten this process by emphasizing its importance with our Regional Employee Relations personnel. They will be impressing on medical and employment personnel in the field the need for fully documented decisions with the most complete medical information possible at the time the initial suitability determination is made. This should cut down significantly on the review time needed at the Regional level.

5. VRA and Non-Competitive Hiring Authority

Veterans Readjustment Appointment authority was phased out based on our National Agreement with the Postal Unions which limited our ability to use employees outside the bargaining unit to perform bargaining unit work. Nevertheless, we have employed many veterans from the Vietnam Era, through normal competitive hiring procedures.

5 U.S.C. 3112 authorizes, but does not require, federal agencies to make noncompetitive appointments of veterans with a service-connected disability of 30 percent or more. We have achieved noteworthy success in introducing disabled veterans into our career workforce without the use of the noncompetitive hiring authority. As reflected in my testimony on October 14, we have 77,528 disabled veterans in our career workforce. We do utilize a noncompetive hiring authority for severely handicapped individuals, however, which provides for veterans preference in making these appointments. (See Item Number 7.)

Should future analysis of our workforce reflect an unfavorable representation of Vietnam and/or disabled veterans, we will reconsider our position.

6. Handicapped Affirmative Action Plan

The Postal Service is preparing its 1982 Handicapped Affirmative Action Plan. A copy of the completed plan will be forwarded to the committee by the end of the year. Because the EEOC reporting format is not compatible with our record-keeping systems, we have had to initiate a series of activities to bring our systems more in line with EEOC criteria. Past activities included:

- Preparation and issuance of Postal Bulletin 21247, dated May 29, 1980, concerning the use of new handicap codes.
- Revision of Personnel Operations Handbook P-11, to reflect new handicap codes and procedures for reporting accessions with handicaps.
- Revision of PS-Form 2485, "Certificate of Medical Examination," to reflect new codes and provide a section for description of physical limitations and recommended accommodations.
- Preparation and issuance of Postal Bulletin 21297, dated May 7, 1981, to identify those 10-point compensable veterans with 30 percent or greater disability.

- Establishment of a system to collect data on veterans with a service-connected disability of 30 percent or more.

Additional changes to our data collecting systems are being incorporated into our 1982 plan to further support our positive commitment to affirmative action for the handicapped.

7. State Rehabilitation Certification

A state vocational rehabilitation certification is not required for a handicapped applicant to receive consideration, including consideration of reasonable accommodation, for a competitive appointment. However, under our program to hire severely handicapped individuals noncompetitively, we do require appropriate state certification. Veterans are active participants in the various state vocational rehabilitation programs and are given priority hiring consideration when they are certified by the state.

8. Regulations and Policies

Copies of USPS regulations and policies that address veteran preference, handicapped individuals, and the staffing of our medical facilities are enclosed (Enclosures A thru C).

Sincerely,

Nancy L. George

Nancy L. George
Assistant Postmaster General
Employee Relations Department

Congressman Robert W. Edgar
Chairman, Subcommittee on Education,
Training and Employment
Committee on Veterans Affairs
U. S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Enclosures

EXCERPTS FROM THE U.S. POSTAL SERVICE EMPLOYEE AND LABOR RELATIONS MANUAL

323.24 Positions Restricted to Preference Eligibles. Certain positions are restricted to preference eligibles (veterans) under the Veterans' Preference Act of 1944. This restriction applies only to competition in examinations for entrance into the Postal Service. (See P-11, Part 262.)

323.322 Exercise or Forefeiture of Reemployment Rights

a. Exercise of Reemployment Rights. Employees must apply to the Postal Service, in writing within 30 calendar days immediately preceding the date of expiration of their reemployment rights. (If the employee has received the consent of the other agency, or an advance notice to report to active military duty, a copy of the notice must accompany the application). The employee must apply at an earlier date under the following circumstances:

(1) Within 30 calendar days after receipt of notice of involuntary separation; or

(2) Within 30 calendar days after date of voluntary separation, provided the employee has the written consent of the other agency to resign; or

(3) At least 30 calendar days in advance of the employee's scheduled entry to active military duty. (Employees who thus exercise reemployment rights are eligible for return to their postal position after military duty.)

b. Forfeiture of Reemployment Rights. Employees forfeit reemployment rights granted under the authorization if they:

(1) Fail to apply for reemployment in the Postal Service within the time limits stated in 323.322; or

(2) Resign, without the written consent of the other agency, more than 30 calendar days prior to the expiration date of their reemployment rights.

c. Termination of Rights After Declination of Offer. The employee's reemployment rights are terminated if employees:

(1) Fail to accept within 10 calendar days a proper offer of reemployment by the Postal Service.

(2) Refuse to accept a proper offer or reemployment in a position in accordance with their rights after applying for reemployment.

(3) Fail to make a timely appeal when they believe the postal offical is not giving them the full benefit of their reemployment rights.

323.8 Employment of Retired Members of Uniformed Services

.81 Applicability. The reporting requirements of this section apply whenever a retired member of any of the uniformed services (officer or enlisted) is employed in a position in the USPS.

.82 Definitions. For the purpose of dual compensation and these instructions the following definitions apply:

a. Uniformed Services, means the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Services Administration (Coast and Geodetic Survey), Public Health Service and the National Oceanographic and Atmospheric Administration.

b. Retired Member, means a member or former member of any of the uniformed services who is entitled under any provisions of the law, to retired, retirement or retainer pay on account of service as such a member.

c. Civilian Position, means a civilian office or position (including a temporary position) appointive or elective, in the legislative, executive or judicial branch of the federal government including each corporation owned or controlled by the federal government.

d. Temporary Employment, means service under an appointment limited to 1 year or less.

.83 Reporting Requirements. The appointing official records on the Form 50 specific information as it pertains to the retired member. (See P-11, Chapter 6.)

.84 Obtaining Necessary Information. In most cases, it should be possible to determine whether appointees are retired members of a uniformed service from their applications for employment, Forms 2591. Some information can be obtained most easily from appointees. Retired members from the Armed Forces have been forwarded a DD Form 214, *Report of Transfer or Discharge.* The Coast and Geodetic Survey and Public Health Service utilize a statement of service for their members. If it is not possible to determine the necessary information, contact the member's finance center for any additional information or verification.

323.85 Retired Pay

323.851 Reduction-in-retired pay. Section 5532(b) of Title 5, U.S. Code, provides that a retired regular officer receive the full pay of any civilian position held, but that during a period for which civilian pay is received, the retired military pay is reduced by a specified amount. The finance center of the uniformed service concerned determines the applicability of the reduction-in-retired-pay provision to a retired officer.

323.852 Statutory Exception. The reduction-in-retired-pay provision does not apply to a retired regular officer whose retirement was based on disability:

a. Resulting from injury or disease received in line of duty as a direct result of armed conflict; or

b. Caused by an instrumentality of war and incurred in line of duty during a period of war as defined by Section 101 and 301 of Title 38, U.S. Code.

323.853 Special rule for temporary work. There is a partial exception for retired regular officers employed on a temporary (full-time or part-time) basis. The reduction-in-retired-pay provision does not apply to the first 30-day period of service on such a basis for which they receive pay under a single appointment. If they serve under more than 1 appointment in a fiscal year, the exception applies to the first period aggregating 30 days for which they receive pay from all civilian offices in which they are employed under the appointments made in that year. In each case, the period for which they receive pay means the full calendar period when the employment is on a full-time basis, and only the days for which officers actually receive pay when employment is on a part-time basis.

333 Veteran Preference

Veteran preference is granted to eligible applicants for employment in the USPS. The claimed preference is added to the ratings on examinations by the NTAC as provided for in P–11, Chapter 2, and Veterans' Preference Act of 1944, as amended. The appointing official is generally responsible for adjudicating the claimed preference. (See P–11, 241.2).

342 Use of Registers

342.14 Non-selection of a Veteran. A veteran preference eligible may not be passed over to select a non-preference eligible, unless the installation head objects to the veteran and the objection is sustained as a passover. (See P–11, Chapter 2, for requirements in nonselection of a veteran.)

363 Conversions

363.33 Positions Reserved for Veterans. An employee who is not entitled to veteran's preference may be converted to career status in a position reserved for veterans only in special circumstances. See P–11, Section 262.1.

365.14 Veterans Rights. The Veterans' Preference Act provides certain procedures and rights to veterans that must be observed in processing involuntary separations of preference eligibles.

365.23 Separation-Military (S-Mil)

365.231 Definition. *Separation-Military* is a separation required when an employee goes on full-time active duty in the military service or when any member of a reserve component of the U.S. Armed Forces goes on an initial period of active, full-time duty for training of not less than 3 consecutive months, pursuant to official orders.

365.232 Effective Date. Use the first date the employee is in a nonpay status.

365.233 Postal Official Action at Time Employee Leaves.

a. Specifically identify the position the employee is leaving and the type of appointment from which the employee is being separated.

b. Ascertain whether the employee desires to receive payment for accrued annual leave.

c. Notify employees of their retirement refund rights, if any. Advise them that if they obtain their retirement refund, they will have no coverage under the retirement system, including death benefits, while they are on active military duty.

d. Notify employees of their insurance rights, if any.

e. Do not separate an employee who is, by induction or otherwise, considering going on active duty in the military service, or going on an initial period of active duty for training of 3 months or more in accordance with the Reserved Forces Act of 1955, until it is definitely determined by the military authorities whether the employee is accepted or rejected for active duty. During the interim, if employees must take their physical examination for entry into the Armed Forced at a time when scheduled for duty, excuse them with pay and without charge to annual leave for the time necessary to take the examination.

f. Explain to employees their restoration rights on discharge from the military service.

365.234 Restoration After Military Service

a. Employee Inducted. Employees inducted for training and service are entitled to restoration when they:

(1) Satisfactorily complete the training and service and receive a certificate to that effect; and

(2) Apply for restoration within 90 days of release either from military training and service or discharge from hospitalization which continued for no more than 1 year immediately following release from training or service.

b. Employee Enlisted. Employees who enlist after entering the employment to which they claim restoration (other than in a reserve component), are entitled to restoration when they:

(1) Serve no more than 5 years, provided that service in excess of 4 years is at the request and for the convenience of the federal government (plus additional service imposed pursuant to law);

(2) Are released from service under honorable conditions; and

(3) Apply for restoration within 90 days of release from service or discharge from hospitalization which continued for no more than 1 year immediately following release from service.

c. Employee Ordered to Active Duty. Employees ordered to active duty in the armed forces or the Public Health Service (except for determination of physical fitness or for training), voluntarily or not, after entering the employment to which they claim restoration, are entitled to restoration when they:

(1) Serve no more than 4 years plus (a) additional service in which they were unable to obtain orders relieving them from active duty and (b) additional service under the conditions in Section 9(g)(2)(B) of the Military Selective Service Act of 1967, as amended, which provides as follows:

366.3 Veteran Preference Eligible Employees

Bargaining unit and non-bargaining unit employees entitled to veteran preference, as that term is defined in Section 241 of Handbook P-11, may appeal involuntary removals, suspensions of more than 14 days, and reductions in grade or pay to the Merit Systems Protection Board.

EXCERPTS FROM USPS HANDBOOK P-11, PERSONNEL OPERATIONS

218 Restoration

218.1 Following Military Service

An installation must restore an applicant for restoration who qualifies under Section 9 of the Military Selective Service Act of 1967 as amended (38 USC 2021–2026) to the position left or to a position of like seniority, status and pay. When a postal official determines that an applicant for restoration, in accordance with these procedures, does not qualify for restoration, the official will so notify the applicant in writing, including the right of appeal to the Merit Systems Protection Board.

255 AER Administrative Procedures

255.2 Delayed and Reopened Examinations

Delayed and reopened applications may only be accepted in accordance with 272. Persons eligible to file for delayed or reopened examinations under the AER program will be allowed to select up to three offices where they wish to be considered for employment.

255.3 Priority Consideration for Active Military Service

Eligibles entitled to priority consideration (see 242.3) on a previous individual register which is now part of an AER, will be given an opportunity to designate two additional choices, but will receive priority consideration only at the office for which they initially established eligibility. Annotate the eligible's numerical card to reflect this action.

240 Register Preference Factors

241 Veteran Preference

241.1 Requirement

Veteran preference is granted for employment in the Postal Service. The claimed preference is added to the ratings on examinations by the NTAC. If the answers concerning veteran preference on the application for employment do not support the veteran preference claimed on the answer sheet and reflected on the register card, the eligible is notified of the discrepancy. However, if the eligible has submitted a Standard Form 15, *Claim for 10-point Veteran Preference*, information given on that form is used to resolve the question if possible. if the eligible's answer indicates that the preference claimed on the answer sheet was a mistake, the register and control cards are canceled or corrected and the eligible's position on the register adjusted.

241.2 Authority of Appointing Officer

Appointing officers make the decision on claims for most types of preference. However, in cases involving spouse or mother preference, decisions regarding physical disqualifications of an ex-service spouse or child must be referred to the nearest area office of the Office of Personnel Management for adjudication.

241.3 Kinds of Veteran Preference

.31 5-Point Preference

Five point preference is give to honorably separated veterans (see 241.51) who served on active duty in the armed forces of the United States:

a. During a war; or

b. During the period April 28, 1952 to July 1, 1955; or

c. In any campaign or expedition for which a campaign badge has been authorized; or

d. For more than 180 consecutive days any part of which occurred after January 31, 1955 and before October 15, 1976. (An initial period of active duty for training under the 6-month Reserve or National Guard program does not count.)

Note: Effective October 1, 1980, the term *preference eligible* does not include for **employment** purposes a retired member of the armed forces, unless: (1) the individual is a disabled veteran; or (2) the individual retired below the rank of major or its equivalent (see Exhibit 611.52). However, these veterans are still preference eligibles for **adverse action** purposes.

.32 10-Point Preference

.321 Disabled Veterans. An honorably separated veteran who served on active duty in the armed forces at any time may be assigned 10-point preference, provided the veteran (a) has a service-connected disability (a veteran who has been awarded the Purple Heart for wounds received in action is considered to have a service-connected disability), or (b) is receiving compensation, disability retirement benefits, or pension, under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, Commissioned Corps of the Public Health Service, or Commissioned Corps of the National Oceanographic and Atmospheric Administration. (Names of 10-point preference eligibles who have a compensable service-connected disability of 10 percent or more are coded *CP* and placed ahead of the names of all other eligibles on an entrance register, except for scientific and professional positions in grades EAS-17 or higher. All other 10-point preference is coded *XP*.)

.322 Spouses of Disabled Veterans. The spouse of a veteran on whose service a claim is based, may be assigned a 10-point preference, provided:

a. The veteran was separated under honorable conditions from active duty performed at any time, and

b. The veteran has a service-connected disability that disqualifies the veteran for appointment to positions in the Federal government along the general line of the veteran's usual occupation.

.323 Widows or Widowers of Veterans

a. Until remarried, the undivorced widow(er) of an honorably separated veteran may be assigned 10-point preference, provided: (1) the deceased veteran served on active duty during a war, or the period April 28, 1952 to July 1, 1955, or in a campaign or expedition for which a campaign badge was authorized; OR (2) the veteran died while in the armed forces, unless the circumstances surrounding the death would have been cause for other than honorable separation.

b. If the widow(er) has remarried and the remarriage has been annulled, the 10-point preference may be granted if the other requirements are met.

.324 Mothers of Veterans. A veteran's mother may be assigned a 10-point preference provided:

a. The veteran:

(1) Died under honorable conditions while on active duty in a war or a campaign for which a campaign badge has been authorized, or during the period April 28, 1952 to July 1, 1955, OR

(2) Has a service-connected disability rated permanent and total, which disqualifies the veteran for appointment along the general line of his usual occupation; *and*

b. She is the natural mother of the veteran; *and*

c. She is, or was, married to the father of the veteran on whose service she bases her claim; *and*

d. She meets one of the following criteria:

(1) She lives with her totally and permanently disabled husband (either the veteran's father or the husband of her remarriage).

(2) She is widowed, divorced, or separated; and is the widow of, or is divorsed or separated from, the father of the veteran and has not remarried; or

(3) She remarried but is the widow of, or is divorsed or legally separated from the husband of her remarriage.

.325 **Others.** A person who has a service-connected disability because of an injury or disease incurred en route to, at, or returning from a place of induction or entry into active duty is given 10-point preference. (Names of such 10-point preference eligibles who have compensable service-connected disability of 10 percent or more are placed with names of other eligibles with 10-percent compensable disability preference.) No spouse, widow, widower, or mother preference derives from this preference.

.33 **Ex-Servicemen and Women**

Unless qualified for veteran preference under 241.31 or .32, persons entering the military on active duty after October 14, 1976 are not entitled to veteran preference for either employment or adverse action purposes.

241.4 Proof

.41 **Responsibility for Providing.** The eligible is responsible for providing the necessary proof; however, selecting officials should give assistance and direction to the eligible. Veterans claiming 5-point preference provide proof of required service and honorable discharge at the time of appointment. Eligibles claiming 10-percent preference are requested to provide proof when they come within reasonable reach for consideration.

.42 **Getting Additional Information on Claims.** Appointing officers must get more information from the service department when:

a. The proof of separation does not clearly show whether the separation was honorable, under honorable or satisfactory conditions, or dishonorable.

b. There is doubt whether active duty was performed.

c. The military service was under fraudulent enlistment (misrepresentation of age or martial status).

d. The veteran was classed as a conscientious objector during World War I.

e. The proof of separation states that the veteran was "wholly retired".

f. Supporting documents show evidence of erasure or alteration. Standard Form 180, *Request Pertaining to Military Records,* is used for requesting the necessary information. The form indicates the addresses to which requests should be sent. The appointing officer submits the form.

.43 **Establishing Identity.** When the name of a veteran on a preference claim is different from the name on the discharge, the appointing officer must decide whether there is enough evidence to prove that the person on whose service the claim is based in the person named on the discharge. When the evidence is insufficient, the claimant should be asked to furnish fingerprints of the veteran on Standard Form 87. The appointing officer sends the SF 87 to the Federal Bureau of Investigation, Department of Justice, Washington, DC 20535. Indicate that purpose is to establish identity of the veteran. When the veteran is deceased or prints are otherwise unavailable, the claimant should be asked to furnish affidavits from two reputable and disinterested persons in proof of the veteran's identity.

.44 **Disability Proof.** Documents which do not support the claim for disability preference are returned to the eligible with an explanation of the additional proof needed. Tentative 5-point preference is allowed in such cases when appropriate. When the eligible is unable to submit acceptable evidence or there is a question regarding the veteran's right to disability preference, further information may be requested from the adjudication service of the appropriate office of the Veterans Administration.

241.5 Adjudicating Claims for 10-Point Preference

.51 **Nature of Discharge.** The honorable or satisfactory nature of the discharge must be established. An award of compensation or a pension does not necessarily establish honorable or satisfactory separation. A statement that the records of the Veterans Administration show that the veteran was discharged under honorable conditions may be accepted as meeting this requirement. Separation under honorable conditions includes, *Honrable*, and *General (under honorable conditions)*. Other than honorable discharge includes *Clemency*, *Undesirable*, *Bad Conduct*, and *Dishonorable*.

.52 Spouse of Disabled Veteran. Claims for preference as the spouse of the disabled veteran must show the nature and extent of the veteran's disability. If the certification of disability is from the Veterans Administration, Form 5901 is used to request that agency to furnish a confidential report of the nature and extent of the veteran's service-connected disability. If the certification is from a service department and it does not show the nature and extent of the service-connected disability, the eligible is advised that it is necessary for the veteran to obtain a statement of the nature and extent of the service-connected disability from the service department.

.53 Recency of Disability Finding. Current preference based on disability may be allowed only on the basis of records showing the allowance of permanent or indefinite disability preference or limited disability preference allowed within the preceding 6 or 18 months as appropriate.

.54 Documentation. Spouse, widow, widower, or mother preference may not be allowed without a current, fully executed SF-15, *Claim for 10-Point Veterans Preference*. Such claims are dependent on the marital status of the claimant, which may change at any time.

.55 Claims for Spouse or Mother Preference. Claims for spouse or mother preference should be submitted to the nearest area office of the Office of Personnel Management for adjudication. Ensure that the SF-15, particularly part 4, is fully executed. Under the law, nonservice-connected disabilities cannot be considered in the allowance of spouse preference, even though the nonservice-connected disability is total and/or permanent.

241.56 Widow and Widower Preference

241.6 Noting Adjudicated Preference on Application Form and Register Card

.61 Claimed Preference Proven and Allowed. If claimed preference is proved:

a. Check the proper box in the *Preference Allowed* column on the application form. (If 10-point compensable preference is allowed, indicate period of validity.)

b. Enter rating shown in the register card in the column *Adjusted Final Examination Rating.*

c. Show whether discharge under honorable conditions has or has not been verified by circling the appropriate word(s); and sign, show title, and date the form.

d. Make appropriate similar notations on the register card to show the preference claimed has been adjudicated; initial.

.62 Claimed Preference Adjustments

.621 Final numerical examination ratings shown on register cards include points for veteran preference claimed by the eligible at the time of the examination. If 10-point compensable preference was claimed, the numerical rating is followed by "CP". If 10-point noncompensable or 10-point other preference was claimed, the numerical rating is followed by "XP". If 5-point preference was claimed, the numerical rating is followed by "TP". The appointing officer will credit the preference points to which the veteran is entitled at the time of appointment. If this is different from the veteran's claim at the time of the examination, the appointing officer adjusts the veteran's score based on the proof presented by the veteran at the time of appointment. Take the following actions:

a. Check the appropriate block in the "*Preference Allowed*" column on the application form.

b. Enter the final examination rating, which has been adjusted to reflect the preference adjudicated, in the *Adjusted Final Examination Rating* column.

c. Show whether discharge under honorable conditions has or has not been verified by circling the appropriate word(s); and sign, show title, and date the form.

d. Make appropriate similar notations on the register card to show that preference claimed has been adjudicated, changing the rating shown, if necessary; initial.

e. Refile the register card in the position on the register where the adjusted rating entitles it to be.

.662 Examples:

a. The eligible has claimed 10-point compensable veteran preference but adjudication shows the eligible is entitled only to 10-point noncompensable or 10-point other preference. The appropriate block would be checked in the *Preference Allowed column* on the application form. In the column *Adjusted Final Examination Rating*, the same numerical rating shown on the register card would be entered, with *XP* following instead of *CP*. The application form would then be signed and dated and the appropriate word(s) circled to show whether discharge under honorable conditions was verified. *CP* following the examination rating shown on the card would be changed to *XP*; appropriate notation would be made on the card and initialed to show the reason. The register card would then be removed from the group of *CP* preference eligibles at the top of the register and placed where the numerical rating entitled it to be in the group of all other eligibles below.

b. The eligible has claimed 10-point non-compensable or 10-point other preference but adjudication shows the eligible is entitled to 5-point preference. The 5 Pt. block would be checked in the *Preference Allowed* column. The examination rating shown on the register card, reduced by 5 points, would be entered in the *Adjusted Final Examination Rating*, column with *TP* following it instead of *XP*. The application form would then be signed and dated and the appropriate word(s) circled to show whether discharge under honorable conditions was verified. On the examination card the rating shown would be changed by reducing it 5 points and showing *TP* instead of *XP*. Appropriate notation would be made on the card and initialed to show the reason. The register card would then be refiled in the register where the adjusted rating entitled it to be.

c. The eligible has claimed 5-point preference but adjudication shows the eligible is not entitled to preference. The *None* block would be checked in the *Preference Allowed* column. The examination rating shown on the register card, reduced by 5 points, would be entered in the *Adjusted Final Examination Rating* column. *TP* would not be added. The application form would then be signed and dated and the appropriate word(s) circled to show whether discharge under honorable condition was verified. On the examination card the rating shown would be changed by reducing it 5 points and crossing out *TP*. Appropriate notation would be made on the card and initialed to show the reason. The register card would then be refiled in the register grade order according to adjusted rating

.63 Changes on Hiring Worksheet When Claimed Preference Is Adjusted

When adjustment in rating ~~is necessary because~~ claimed veteran preference has been disallowed and the eligible is being considered for appointment in a current hiring action, the eligible's position on the hiring worksheet will also require adjustment according to the new rating. Rating and name should be lined out, with notation made of the reason. New entry of rating and name should be made on the hiring worksheet in grade order of the adjusted rating, if the eligible would still be within reach on the register for consideration in the current hiring action.

.64 Notification of Eligible When Claimed Preference Not Allowed

In any instance where claimed preference is not proven and allowed, the eligible should be so informed by the installation head in writing. If adjustment in final examination rating resulted, notification to the eligible must also include the new rating. The eligible must be advised that consideration cannot be given in current hiring action if this action puts the eligible out of reach.

241.7 Return of Documents

When the preference claimed has been adjudicated, proof of preference submitted by the eligible is returned to the eligible.

241.8 Appointment at Lesser Preference Level

If, while the eligible's claim for preference is being adjudicated, and the eligible is within reach for appointment at a lesser preference level which the eligible can prove, the eligible can be appointed.

241.9 Guides for Making Veteran Preference Determinations

See Exhibit 241.9, which appears at the end of subchapter 240.

242 Restoration of Eligibility Following Return from Military Service

242.1 Suspension and Restoration

Eligibility is suspended when it is learned that an eligible is on active duty in the Armed Forces and therefore cannot accept appointment. Such eligibility is restored at the request of the eligible if the eligible has been honorably discharged from military service. The following conditions must be met:

a. Request Within 90 Days After Discharge. The request must be made within 90 days after discharge from active duty, or from hospitalization continuing after discharge for not more than one year. If the eligible was hospitalized immediately following separation from military service, the eligible must furnish proof satisfactory to the appointing officer that hospitalization continued for not more than one year after discharge.

b. Service Must Not Exceed "Four Years". The *four years* limit dates from the first day of active duty under the first enlistment (or reenlistment) after June 30, 1950. Any voluntary continuation of service beyond the four years results in loss of rights to restoration.

c. Honorable Separation From the Armed Forces. Except for persons whose service does not entitle them to preference, honorable separation from the Armed Forces must be established in the same manner as for establishing a claim for veteran preference in connection with an application for open-competitive examination. When the information given clearly shows the eligible is entitled to at least 5-point preference, *(1)* the eligible is allowed tentative preference and *(2)* eligibility is restored if the eligible meets all other conditions. If the eligible is selected for appointment, the appointing officer must secure the required proof and verify the preference according to regular procedures before putting the eligible on duty. If entitlement to 5-point preference is doubtful, the eligible is required to submit proof before further action is taken on the request for restoration of eligibility. Persons whose service does not entitle them to preference are not required to furnish proof of honorable discharge unless there is some doubt that the discharge was under honorable conditions.

d. Ability to Perform Duties. Determining whether an eligible who requests restoration of eligibility is still qualified to perform the duties of the position is done in the same way as determining that an applicant for entrance examination is so qualified.

242.2 Determining Loss of Eligibility Due to Military Service

.21 Checking Dates of Military Service. The request for restoration or the certificate of discharge from military service will show the dates of entry into and release from active service.

.22 Checking Eligibility on the Register. The examination record cards and registers must be checked to determine whether any part of the period of eligibility came within the dates specified in the regulation (that is, between June 30, 1950 and the date of separation from active duty). Any eligibility within those dates which overlaps the active military service shown, represents the concurrent period of eligibility and military service during which eligibility was lost.

.23 Cancellation and Suspension. Eligibles who established eligibility on a register that was used after June 30, 1950, for appointment while they were in the military service, but whose eligibility was canceled for failure to meet some positive requirement, are not entitled to restoration. However, eligibility which were suspended for some condition which could be removed is considered as active eligibility for purposes of restoration.

.24 Source of Determination. Determination as to whether a person is entitled to restoration of eligibility can be made only by the office which maintained the register at the time the person lost eligibility. If the eligible meets the conditions stated, and unless entitled to priority consideration as explained below, the register card is amended to show appropriate veteran preference, if any, and placed in the appropriate section of the register.

242.3 Determining If Restored Eligible Is Entitled to Priority Consideration

.31 Method of Determination

If eligibles meet the requirements for restoration of eligibility as stated above, it is then necessary to find out whether they are entitled to have their names entered at the top of the appropriate group of the register, or to have their names listed for consideration for career or full-time appointment if the original register has been terminated and no successor register exists. This is done by determining whether another eligible, who stood lower on the same register, received a career appointment during the person's service in the Armed Services after June 1, 1967. (When the records are not clear, but there is a probability that opportunity for appointment was lost, the doubt is resolved in favor of the restored eligible.) If the register was exhausted, although no lower ranking eligibles were appointed, the intent of the regulations is clearly met if the eligible would have been offered appointment if not for being in the military service. This can be determined if:

a. Fewer than three available eligibles remained on the register;

b. A vacancy occurred within the authorized complement, and

c. The vacancy was filled outside the register, or an appointment was made from a successor register. The date of the appointment of a person from outside the register or an eligible from a successor register constitutes the date of entrance on duty of the lower-ranking eligible.

.32 Special Considerations

.321 Veteran Preference. In determining whether a lower ranking eligible received an appointment, the restored eligible's original rating is not augmented by preference based on the latest period of military service, but any preference enjoyed at the time of entering military service is observed in such a case.

.322 Noncompetitive Appointments from Register

In some cases a lower ranking eligible may have received a noncompetitive appointment while on the register. Some examples of this would be the appointment of a mailhandler as a clerk on the basis of being the Clerk-Carrier register, or transfer of a person from another Federal agency on the same basis. In such cases, the appointment can be made regardless of the standing on the register. These appointments are noncompetitive, and do not count in determining if a lower ranking eligible was appointed, unless the eligible receiving the noncompetitive appointment was within reach for consideration from the register at the time of the noncompetitive appointment.

242.4 Restoring Eligibility

.41 Eligibles who lost a period of eligibility and opportunity for career appointment are restored in priority order for consideration for career appointment. Eligibles must be identified as restored. Register cards for such persons are noted *Priority Consideration*. The date of entrance on duty of the lower ranking eligible earliest appointed also must be entered on the register car. If the exhausted register principle is applicable, the date of entrance on duty of the person first appointed outside the register, or from the successor register, should be noted. Eligibles who lost opportunity for appointment are entered on the register at the top of the appropriate group, immediately below displaced career postal or federal employees entitled to priority consideration, but ahead of all other eligibles in the same group.

.42 If the register on which the eligible's name originally appeared is still in existence, the original register card is appropriately noted and inserted in the proper place in the active register. If the eligible meets the requirements for restoration of eligibility to a position for which there is a successor register, a register card is made and inserted in the proper place in the active register. If no successor register exists and if the veteran stood higher than another eligible who received an appointment from the register, then the register card is placed in a special register of eligibles; and the veteran is given preferred appointment consideration until the successor register is established as a result of open competition. At that time, the veteran's eligibility is carried over to the new register if eligible has not received an appointment in the meantime.

.43 The special register is made up of veterans who are entitled to priority in consideration because of lost opportunity for career appointment due to military service, veterans who qualify in quarterly examination, and career and career-conditional employees separated from competitive positions in the Civil Service through reduction-in-force. It is used only when there is no original or successor register on which eligibility can be restored.

.44 If no lower ranking appointment is made, and no successor register exists, the register card is retained for insertion in the successor register when it is established. Eligibles are notified to this effect and told that they may be required to file a new application, when the eligibility restoration takes effect, to update work experience.

242.5 Term of Eligibility After Restoration

Persons entered on the register under this section will be restored for the remainder of the 2-year eligibility period. In addition they will automatically be granted a one year extension of eligibility. (For example, an applicant entered on active military duty after 16 months of eligibility on the register. If qualified for restoration under this section, the individual would be restored to the register for 20 months: the remainder of the original 2 year eligibility period (8 months) plus one year automatic extension.) If the register is cancelled or expires and a new register is established with similar requirements, eligibility continues as above. If the requirements of the new register are greater than those of the previous register, eligibility expires with the old register. If no successor register is established, the restored person will be considered until the expiration of the restored eligibility. Persons eligible to reopen an entrance examination or submit a delayed application must be so advised when they request restoration to the register.

243 Placement Assistance for Displaced Federal Employees

243.1 General Requirements

.11 Applicants under the program for displaced Federal employees (the former SCE program) should submit a Form 2591, *Application for Employment*, together with a copy of their reduction-in-force notice and the agency's statement identifying them as displaced Federal employees. That statement confirms that the employee's name has been entered on the agency's Reemployment Priority List and gives the title, grade, or salary and location of any position offered the employee and declined, or states that no offer was made, as well as informs the employee of a displaced Federal employee's rights.

.12 Applicants also must meet the general requirements of competitive examination.

.13 A displaced Federal employee generally is entitled to the benefits of priority appointment consideration at the grade from which separated (or its equivalent) and at any lower grade acceptable to the employee including any intervening grades, as a matter of postal policy only.

243.2 Acceptance and Review

Applications are reviewed to determine whether they meet the requirements and to make certain that the documents necessary for identification as a displaced Federal employee have been submitted. Those applications which are acceptable on review are forwarded for rating to the NTAC and subsequently processed in the usual manner. Those which are rejected are returned to the applicants with statements as to why they were rejected.

243.3 Positions for Which Applications May Be Filed

A separated career or career-conditional employee may file applications for assistance for any two positions within 90 days after separation or furlough. An applicants who files for one position within the prescribed 90 days subsequently may file for a second position without regard to the 90-day limit. However, the period of eligibility for priority consideration begins with the date of separation. Applicants who request advice or assistance should be informed for which positions there are existing registers.

243.4 Positions for Which Applications Will Not Be Accepted

Applications for postmaster, installation head, or rural carrier will not be accepted under this program.

243.5 Examination

.51 **Numerical Ratings.** Numerical ratings are required for priority consideration except when the applicant's eligibility will create a new special register, or when the addition of the eligibile's name will not result in ten or more eligibles on a special register. Numerical ratings are required for entry in regular order or registers for grades higher than those to which the eligible is entitled to priority appointment consideration if other eligibles on the register were rated numerically. See 252.3 for placement of displaced employee on register.

.52 **Written Tests.** If applicants do not have an existing eligibility on an appropriate register, and eligibility in a written test is required competitively, they should be tested as soon as possible. Eligibility in the written test is required in all cases for priority or regular order appointment consideration. However, present and former postal or federal employees with reinstatement or transfer eligibility may be examined and appointed noncompetitively. All applicants must have established current or previous eligibility in an appropriate Post Office Department or U.S Postal Service examination unless currently employed in a career or career-conditional status in the same or similar position in the Postal Service or other federal agency.

.53 **Rating Experience and Training.** If training and experience are ratable elements in the examination and the applicant has eligibility on a register for the position, the applicant's training experience should be rerated up to the last day of active duty in the position from which separated if such rerating will increase the rating. The appointing officer should endeavor to have applications rated for entry on existing registers since this will expedite the processing of applications and provide better opportunity for appointment.

243.6 Registration

If an eligible entitled to priority appointment consideration has, or obtains, regular competitive eligibility on the same register, the two eligibilities are combined, using the higher rating.

243.7 Periods of Eligibility

Eligibles under this program are entitled to the benefits of the program for one year after separation if they held career-conditional appointments; and for two years after separation if they held career appointments. After such periods, they are entitled to appointment consideration in regular order only.

243.8 Termination of Eligibility

.81 Failure to Reply. Failure to reply to an offer or an availability inquiry will terminte priority appointment consideration benefits.

.82 Declination of Offer. Declination of an offer of nontemporary appointment in the Postal Service at (or above) a grade equivalent to that from which separated is cause for termination of priority benefits, and placement on the inactive register.

.83 Acceptance of Appointment. If the eligible obtains a nontemporary competitive appointment in the Federal government, all eligibilities for priority appointment consideration are terminated.

.84 Applicability of General Rules. The suspension or termination of eligibility of an eligible under this program is governed by the general rules relating to all eligibles.

243.9 Priority Appointment Consideration

Priority appointment consideration is consideration for appointment from registers to vacancies ahead of all other eligibles except on registers where 10-point preference eligibles with compensable service-connected disability of 10 percent or more are placed at the top. In selecting eligibles under this program, appointing officers must observe the rule of three including the provisions relating to passing over preference eligibles. An eligible who has received proper consideration on the same register by the same appointing officer for three separate appointments need not be futher considered by that appointing officer from that register. Any separated career or career-conditional Federal employee who has reinstatement eligibility and meets the qualification requirements may be appointed without reference to a register of eligibles. This applies to both categories, except that reinstatement of a nonpreference career conditional candidate must be within 3 years of latest career conditional service.

244 Lost Eligibility

244.1 Policy

Eligibles whose names were improperly omitted from, or listed incorrectly on, a *Hiring Worksheet* are entitled to priority consideration on one or more subsequent *Worksheets,* provided their correct standing on the register was such that they were not considered when they should have been.

244.2 Procedure

Upon discovery of lost eligibility, place the eligible's name at the head of the register, and annotate the register card. The eligible is entitled to consideration from this *head of the register* position as many times as consideration was lost. *Priority consideration* does not mean a guaranteed appointment; it means consideration before all other eligibles.

244.3 Terminated Register

If the register on which the eligible's name appears is terminated before the correct number of priority considerations is received, the name is entered at the head of the successor register, even if the requirements are different, until the same number of considerations as were lost are received. At that time, the eligibility is terminated, unless the candidate qualified in the new examination. In this case, the name reverts to its proper position on the register, according to the new rating.

244.4 Existing Register

.41 The appointing official must consider the eligible in the order to which entitled, if:

a. A Hiring Worksheet on which the eligible's name would have appeared if eligibility had not been lost is still outstanding, and

b. There are no immediate opportunities for certification to positions.

.42 Appointments or firm commitments made before discovery of lost eligibility need not be disturbed, but may require subsequent priority consideration. If the eligible is not appointed after having received the correct number of priority considerations, annotate the register card and return it to its proper position on the register.

Proof Claimant Meets Preference Requirements Based on Service in the Armed Forces

Requirement	Evidence
1. That the person on whose service the preference claim is based served on full-time active duty in the Armed Forces of the United States. (Requirement applies to all types of preference.)	The fact that a person served on full-time active duty in the Armed Forces of the United States is established by any of the documents listed under paragraph A on the reverse of Standard Form 15. Certified or photostatic copies are acceptable. Evidence submitted as proof of service on active duty must show the following: 1. **That the active duty was in the Armed Forces of the United States. For rulings on whether service in a particular capacity or organization is qualifying for veteran preference see S211-9.** a. *Service with military allies.*—Service in the armed forces of military allies of the United States does not meet this requirement. b. *Draft registrants.*—A person cannot be considered to have served in the Armed Forces of the United States merely because he was registered under the draft. c. Conscientious objectors.—Conscientious objectors in World War II fall into two main groups: - Those inducted into the armed forces for noncombatant services; and - Those opposed to participation in any kind of military service, combatant or noncombatant, and assigned to a civilian camp for service in a civilian capacity in lieu of induction. Persons in the first group are considered to have been on active duty in the armed forces. Persons in the second group are not considered to have served in the armed forces. 2. **That the active duty was on a full-time basis, and was not solely for training or for determining physical fitness.** a. Members of the U.S. Coast Guard Reserve (Temporary) who served during World War II on part-time or intermittent duty only are not eligible for preference benefits. b. Active duty for training only, regardless of the length of duty, does not meet this requirement.[1] c. An initial period of active duty for training (generally three to six months) under section 511(d) of title 10 following an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, does not meet this requirement. d. A person called to active duty and separated after the entrance physical examination as physically unfit is not considered to have performed active duty unless his DD Form 214 shows active duty or unless he can furnish a DD Form 217, Certificate of Satisfactory Service, from one of the armed forces. DD 217 was cancelled in September 1965. e. Induction into the armed forces under the Selective Service Act of May 18, 1917, the Selective Training and Service Act of September 16, 1940, the Selective Service Act of 1948 (Universal Military Training and Service Act), or the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 459) is considered to be induction for active duty, not for training purposes only 3. **That military pay and allowances were received for the active duty performed.** a. Members of the U. S. Coast Guard Reserve (Temporary) who served on full-time active duty during World War II at Coast Guard Headquarters and at defense plants received civilian (not military) pay and allowances. They are not entitled to preference. Certificate of separation of a member of a Reserve unit or the National Guard or Air National Guard of the United States must show that the person had been called or mustered into active Federal service. Any of the following notations on a separation certificate is proof of performance of active duty: 1. The award of mustering-out pay of World War II. 2. The award of mustering-out pay based on service on or after June 27, 1950.

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[1] Service during the annual 15-day training period of the Naval Marine Corps and Coast Guard Reserve is duty for training purposes only.

Exhibit 241.9 Preference Based on Military Service (p.1)

Proof Claimant Meets Preference Requirements—Continued

Requirement	Evidence
2. That the person on whose service the preference claim is based was separated from active duty in the Armed Forces of the United States under honorable conditions.[2] (Requirement applies to all types of preference.)	Separation from active duty is accomplished in any of the following ways: **1. Discharge;** **2. Transfer from the active to inactive list (either to the reserve or to the retired list);** **3. Acceptance of a resignation.** That a person was separated[3] is established by any of the documents listed on the reverse of Standard Form 15. Certified or photostatic copies are acceptable.[4] "Orders" or "Letters" are sometimes used for separations. That the separation was under honorable conditions is determined in any one of the following ways: 1. The word "honorable" of "satisfactory" on the document of separation.[5] 2. The notation on the separation certificate of a World War II veteran of the grant of the honorable discharge button or the award of mustering-out pay. 3. The notation on the separation certificate of a veteran who served on or after June 27, 1950, of the award of mustering-out pay. The following types of separation are considered honorable: 1. An official notice from the service department that a member of the armed forces died in action. 2. Release from military service because of undue hardship, under section 4 of the Service Extension Act of 1941 (55 Stat. 627. 3. Transfer of commissioned and enlisted personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard to the retired list because of physical disability, length of service, or age. A certificate which merely states that a member of the armed forces has been "wholly retired" is not necessarily evidence of honorable separation. 4. Transfer to the Fleet Reserve (Naval and Marine). 5. Statement from uniformed service that a member died under honorable conditions while on active duty. A separation from the armed forces because of fraudulent enlistment (misrepresentation of age or marital status) may be honorable or under conditions other than honorable.
3. That the veteran's service was in a campaign or expedition for which a campaign badge (service medal) has been authorized. (Requirement applies to 5-point, widow, or widower, and mother preference if the claim is based on campaign or expeditionary service. If service in a campaign or expedition falls within a period of war or within the period April 28, 1952, through July 1, 1955, the preference claim is adjudicated on the basis of war service and the proof of the award of a campaign badge or service medal is not required.)	Notification by the service of the award of a campaign badge or Service medal (not the badge or medal itself). Notification includes an entry on DD Form 214, Armed Forces of the United States—Report of Transfer or Discharge, showing award of campaign badge or service medal for a campaign or expedition listed on pages 9 and 10. When entry on DD 214 shows the award without identifying the campaign, the entry is accepted if the DD 214 also shows both active military service during a campaign and overseas service. An Air Force ex-serviceman who shows entitlement to the Armed Forces Expeditionary Medal and who shows active service during the Cuba Campaign, need not meet the overseas service requirement.

[2] Subsequent discharge under conditions other than honorable does not affect the right to preference on the basis of honorable separation from prior service. However, the right to be admitted to civil service examinations may be lost temporarily because of the reason for the separation under other than honorable conditions from the latest period of military service. The term "honorable conditions" does not apply to the honorable discharge given to an enlisted man so that he may be commissioned an officer without a break in service. In this situation his officer's discharge must be under honorable conditions.

[3] A document submitted as evidence of separation is acceptable only if dated on or after the date of actual separation.

[4] On the written request of an ex-serviceman, the General Services Administration's National Personnel Records Center (Military Personnel Records) will send him a copy of his DD 214.

[5] Blue discharge certificates on WD AGO 53-56, issued on and after January 1, 1945, were definitely not under honorable conditions.

Exhibit 241.9 Preference Based on Military Service (p. 2)

Proof Claimant Meets Preference Requirements—Continued

Requirement	Evidence
4. That the claimant has a service-connected disability, or is receiving compensation, disability retirement, or pension by reason of public laws administered by the Veterans Administration or by a branch of the armed forces. (Requirement applies to disability preference only.)	Any of the types of evidence listed on pages 9-11, Proof of Service-Connected Disability or Receipt of Compensation, Pension, or Disability Retirement. Evidence listed on pages 9-11 as "Proof good for 6 months from date issued" or "Proof good for 18 months from date issued," must be dated not more than 6 months or 18 months, respectively, before the preference claim is received. If the Commission previously granted 10-point preference to the veteran on the basis of proof listed on pages 9-11 as "Good indefinitely," the notification of the allowance of 10-point preference (good indefinitely) is acceptable in connection with subsequent claims filed by the veteran.
5. That the claimant has a compensable service-connected disability of 10 percent or more. (Requirement applies to compensable disability preference only.)	Any type of evidence listed on pages 9-11 as proof that the veteran has a compensable service-connected disability of 10 percent or more.
6. That the veteran on whose service the claim is based has service-connected disability. (Requirement applies only to spouse preference and to mother preference based on the disability of a veteran. If the veteran is retired from the uniformed services because of a service-connected disability, the claimant should be instructed to have him obtain an official statement from the uniformed service on the nature and extent of the service-connected disability.)	Any type of evidence listed on pages 9-11 under the heading, Evidence of Service-Connected Disability. Those listed under the heading, Evidence of Receipt of Compensation, Pension, or Disability Retirement, are acceptable if the evidence indicates that the payment is for service-connected disability. Evidence listed on pages 9-11 as "Proof good for six months from date issued" or "Proof good for 18 months from date issued," must be dated not more than six months or 18 months, respectively, before the preference claim is received. Evidence for mother preference must show that the service-connected disability is rated permanently and totally disabling.
7. That the claimant is, or was, married to the veteran on whose service the claim is based. (Requirement applies only to spouse and to widow preference.)	1. Claimant's statement on Standard Form 15. 2. Marriage certificate, if there is reason to doubt the claimant's statement. 3. Common law marriage[*]. A claim based in part on a common law marriage must be accompanied by: - The claimant's affidavit which shall state: a. The time, place, and circumstances under which the claimant and the person to whom marriage is claimed agreed to live together as husband and wife; b. When, where, and how long they lived together thereafter; c. The names and addresses of persons who know that they lived together as husband and wife in these places and were so acknowledged in those communities; d. The names of any former husbands or wives of either spouse; and e. When, where, and how each previous marriage was dissolved. - Affidavits of two or more witnesses who know and state: a. That the parties were recognized as husband and wife, and b. How long that relationship continued; and - Other evidence required by the laws of the particular State to establish a valid common law marriage. The date of marriage to the veteran or to the father of the veteran has no bearing on right to preference.
8. That the claimant is, or was, married to the father of the veteran on whose service her claim is based. (Requirement applies only to mother preference.)	

[*] Common law marriage is recognized for preference, if valid under the laws of the place where the parties lived at the time of the marriage. A claim involving a common law marriage must be forwarded to a Commission office, central or regional, for decision.

Exhibit 241.9 Preference Based on Military Service (p.3)

Proof Claimant Meets Preference Requirement—Continued

Requirement	Evidence
9. That the claimant's remarriage was annulled. (Requirement applies to claimant for widow or widower preference who remarried after death of the veteran spouse.)	1. A certification from the Veterans Administration that her entitlement to pension or compensation has been restored because of annulment of the remarriage.[7] 2. A certified copy of the court decree of annulment.
10. That the veteran on whose service the claim is based is disqualified by his service-connected disability for civil service appointment along the general lines of his usual occupation. (Requirement applies only to spouse preference, and to mother preference based on service of disabled veteran child.)	A statement from a Federal medical officer acting for the Commission that the disability is disqualifying. The statement is based on official information from the Veterans Administration or the service departments on the nature and extent of the veteran's service-connected disability.
11. That the husband of a claimant for mother preference is permanently and totally disabled. (Requirement applies to mother preference only if the claimant is presently living with the husband.)	A statement from the husband's physician showing prognosis of his disease and percentage of his disability. Only a Federal medical officer acting for the Commission may determine that the husband is permanently and totally disabled.
12. That the veteran is actually or legally dead. (Requirement applies to widow preference.)	1. Claimant's statement on Standard Form 15, and 2. (a) If the spouse died in service, notice from the service giving date of his death in line of duty,[8] or (b) If the spouse disappeared after honorable separation, affidavits from two or more disinterested persons, certifying that the veteran has not been seen or heard from for at least seven years. 3. In cases not covered by (2) above a death certificate required if there is reason to doubt the claimant's statement.
13. That the veteran lost his or her life under honorable conditions while serving on active duty in the Armed Forces of the United States during a war or during the period April 28, 1952, through July 1, 1955, or in a campaign or expedition for which a campaign badge (service medal) has been authorized. (Requirement applies to claims for mother preference based on service of deceased veteran.)	Notice from the service department giving date of death in line of duty.[8]
14. That the claimant is the natural mother[9] of the ex-service child. (Requirement applies to mother preference only.)	Claimant's statement on Standard Form 15.

[7] Restoration of benefits under Public Law 91-376 does not constitute proof that the marriage was annulled.

[8] A Missing-in-action notice is not acceptable.

[9] A mother whose veteran child was born of a marriage (including common law marriage) to the father of the child, as distinguished from a mother by adoption, a stepmother, or a foster mother.

Exhibit 241.9 Preference Based on Military Service (p. 4)

Uniformed Service for Veteran Preference Purposes

[NOTE.-Military service under the veteran preference laws is:

- -Active duty in the Armed Forces of the United States.
- -Active service in the Public Health Service which is a basis for entitlement to "full military benefits" under the Public Health Service Act of July 1, 1944.
- -Active service in the Coast and Geodetic Survey and successor organizations (ESSA, NOAA) under transfer to the jurisdiction of the armed forces under 33 U.S.C. 855.

Right to preference depends on whether the period of uniformed service is recognizable for type of preference claimed.

When this table is used in determining for reduction-in-force and leave purposes whether service was active military service, make sure not only that the person served in the organization or capacity reported, but also that his service was active military service as distinguished from inactive duty or training duty and, for leave purposes, was honorably terminated.]

Capacity or organization in which service is performed	Is this uniformed service for veteran preference?
Air Force, service in or in connection with:	
Air Force Nurse Corps	Yes
Air Force Reserve, service on active duty	Yes
Air Force Reserve Officers' Training Corps	No
Air National Guard of the United States (including all Federally recognized units, organizations, and members of the Air National Guard of the several States, Territories and the District of Columbia), when mustered or called into active Federal service	Yes
Cadets in the Air Force	Yes
Regular Air Force	Yes
Women in the Air Force	Yes
Air lines under contract	No
Air Transport Field Service	No
Air Transport Service	No
American Field Service	No
American Volunteer Guard	No
Army, service in or in connection with:	
Army field clerks	Yes
Army Nurse Corps	Yes
Army reserve (formerly Organized Reserve Corps), service on active duty[1]	Yes
Army Specialist Corps	No
Army Specialized Training Program[2]	No
Army Transport Service:	
-Commissioned officers of the Army assigned as transport quartermasters in the Army Transport Service	Yes
-Other personnel	No
Cadets of the United States Military Academy	Yes
Contract surgeons, service since June 3, 1916	Yes
Female dietetic and physical therapy personnel (exclusive of students and apprentices), service since April 1, 1943	Yes
Licensed female physicians and surgeons, service since April 16, 1943	Yes
National Guard of the United States (including all Federally recognized units, organizations, and members of the National Guard of the several States, Territories and the District of Columbia), when called or mustered into active Federal service	Yes
Philippine Army (organized military forces of the Government of the Commonwealth of the Philippines, including recognized guerrilla units)[3]	No
Philippine Scouts	Yes
Regular Army	Yes
Reserve Officers' Training Corps	No
Women's Army Auxiliary Corps (WAACS)[4]	No
Women's Army Corps (WACS)	Yes
Women's Medical Specialist Corps	Yes
Auxiliary Military Police	No
Bureau of Marine Inspection and Navigation	No
Cadet Nurse Corps	No
Chaplains:	
Army	Yes
K. of C.	No
Navy	Yes
Y.M.C.A.	No
Chemical Warfare Service	No
Citizens Military Training Camps	No
Civil Aeronautics Administration Pilot Training:	
-Prior to September 1, 1943	No
-After September 1, 1943	Yes
Civil Air Patrol	No
Civilian Conservation Corps:	
Reserve officers of the Army called to active duty with the Civilian Conservation Corps:	
-Service for at least 30 days before July 25, 1939	Yes
-Service after July 25, 1939	No
Other personnel	No
Coast and Geodetic Survey personnel:[5]	
-Service under transfer by the President in time of national emergency to the service and jurisdiction of the armed forces with proper military status	

[1] Service of Reserve officers called to one year's duty under section 1 of the Thomason Act of August 30, 1935 (49 Stat 1028) is considered active duty for preference purposes.

[2] Members of the Enlisted Reserve Corps and Air Corps Enlisted Reserve given academic training in colleges and universities under this program received the training on an inactive duty status.

[3] Service in the organized military forces of the Government of the Commonwealth of the Philippines (including recognized guerilla units) between July 26, 1941, and June 30, 1946, when the forces were in the services of the armed forces of the United States is not service in the military of naval forces of the United States for preference.

[4] Members of the Women's Army Auxiliary Corps served with but not in the Army. This organization was abolished on September 30, 1943.

[5] Coverage applies also to successor organizations, i.e. Environmental Science Service Administration and National Oceanic and Atmospheric Administration.

Uniformed Service for Veteran Preference Purposes—Continued

Capacity or organization in which service is performed	Is this uniformed service for veteran preference?
(selection 16 of the Act of May 22, 1917; 40 Stat. 87, as amended; 33 U.S.C. 855)	Yes
-Service of commissioned officers of the Coast and Geodetic Survey assigned to duty on projects of immediate military hazard under the provisions of section 2 of the Act of December 3, 1942, 56 Stat. 1038, as amended (68 Stat. 730)	No
Coast Guard, service in or in connection with:	
Cadets of the United States Coast Guard Academy	Yes
Coast Guard Auxiliary	No
Coast Guard Reserve, service on active duty	Yes
Coast Guard Reserve (Temporary):	
-Members enrolled for full-time duty with military pay and allowances other than for uniforms	Yes
-Members enrolled for part-time or intermittent duty without pay and allowances other than for uniforms	No
-Pilots without pay and allowances other than for uniforms	No
-Officers of Great Lakes vessels without pay and allowances other than for uniforms	No
-Coast Guard police without pay and alloances	No
-Civil-service employees of the Coast Guard without pay other than compensation of their civilian positions	No
Regular Coast Guard	Yes
Women's Reserve (SPARS), service on active duty	Yes
Lighthouse Service members:	
-Service under transfer to Navy Department during World War I	Yes
-Service after consolidation with Coast Guard July 1, 1939	Yes
Marine Corps:	
Aviation Cadets:	
-Enlisted aviation cadet under 10 U.S.C. 6911, service after August 4, 1942	Yes
-Aviation cadet (appointive grade), service while undergoing flight training	No
Marine Corps Reserve including:	
-Fleet Marine Corps Reserve;	
-Organized Marine Corps Reserve;	
-Volunteer Marine Corps Reserve;	
-Women's Reserve;	
provided service is on active duty	Yes
Regular Marine Corps	Yes
Merchant Marine	No
Merchant Marine Cadet Corps	No
Military Sea Transportation Service (MSTS)	No
Navy, service in or in connection with:	
Aviation cadets:	
-Enlisted aviation cadet under 10 U.S.C. 6911, service after August 4, 1942	Yes
-Aviation cadet (appointive grade), service while undergoing flight training	No
Licensed female physicians and surgeons, service since April 16, 1943	Yes
Midshipmen:	
-Midshipmen (Regular) of the United States Naval Academy;	
-Midshipmen (Reserve), service between September 8, 1939 and 1946 while attending midshipmen schools	Yes
Naval Reserve including:	
-Fleet Reserve;	
-Merchant Marine Reserve;[6]	
-Organized Reserve;	
-Volunteer Reserve;	
-Women's Reserve (WAVES);	
provided service is on active duty	Yes
Naval Reserve Officers' Training Corps students:	
-Service before July 1, 1943	No
-Service between July 1, 1943, and June 30, 1946	Yes
1946	Yes
-Service after June 30, 1946	No
Navy College Program personnel, service between July 1, 1943, and June 30, 1946	Yes
Navy Nurse Corps	Yes
Regular Navy	Yes
Office of Strategic Services	No
Public Health Service:	
Officers and employees detailed to duty with the Army or Navy by Executive Order 2571, during World War I	Yes
Commissioned officers performing active service:	
-Under individual detail for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard;	
-In the Public Health Service while the service is part of the armed forces of the United States pursuant to Executive order;[7]	
-In the Public Health Service in time of war:	
-Whether or not under individual detail to the Army, Navy, Air Force, Marine Corps, or Coast Guard, and	
-Whether or not the Public Health Service was at that time a part of the armed forces	Yes
Red Cross	No
State Guards	No
State Maritime Academy	No
State or Territorial police or constabularies	No
Volunteer Defense Force Units, Terriory of Hawaii (1942 to 1945)	No
War correspondents	No
Women's Air Service Pilots (WASPS)	No

[6] Service of Merchant Marine Reservists (U.S. Naval Reserve) called to active duty in the Navy even though assigned to duty on merchant vessels or at shore estab- lishments of the U.S. Maritime Service is considered active duty for preference purposes.

[7] The Commissioned Corps of the Public Health Service was declared to be a military service and branch of the land and naval forces of the United States beginning July 29, 1945, and continuing through July 3, 1952. (Executive Orders 9575, 10349, 10356, 10362, and 10367.)

Wars Campaigns, and Expeditions of the Armed Forces Since April 15, 1861

A. Wars Since April 15,1861

War	Inclusive dates	Organizations participating (indicated by "x" below)				
		Army	Navy	Air Force[1]	Marine Corps	Coast Guard
Civil War	Apr.15, 1861, to Aug.20,1866	x	x	....	x	....
Spanish-American War	Apr. 21, 1898, to July 4, 1902	x	x	....	x	....
World War	Apr. 6, 1917, to July 2, 1921	x	x	....	x	x
World War II	Dec. 7, 1941 to Apr. 28, 1952[2]	x	x	x	x	x

B. Non-Wartime Campaigns and Expeditions Since April 15, 1861, for Which Campaign Badges (Service Medals) Were Authorized

Note. In addition to the medals awarded to members of the armed forces, the following medals have been awarded to civilians:

1. Women's Army Corps Services Medal, which bears the words "For service in the Women's Army Auxiliary Corps" and the dates "1942-1943."
2. The medal of Merit for meritorious services in World War II.
3. The medal for Freedom for meritorious achievement or meritorious services to the United States on or after December 7, 1941, in the war against an enemy outside the continental limits of the United States.
4. The American Service Medal for participating in a scientific, direct, or exploratory operation on the Antartic Continent.

(These medals are not a basis for preference, since the service was not in the armed forces.)

Campaign or Expeditions	Inclusive dates	Organizations participating (indicated by "x" below)				
		Army	Navy	Air Force[1]	Marine Corps	Coast Guard
Indian Campaign (periodic)	1865 to Jan. 1891	x	....	....	....	....
Navy Expeditions[3]	1874 to	....	x	....	x	....
Philippine Campaign (periodic)	Feb. 4, 1899 to 1913	x	....	....	....	....
	Feb. 4, 1808 to Sept. 15, 1906	....	x	....	x	....
Cuban Pacification	Sept. 12, 1906 to Apr. 1, 1909	....	x	....	x	....
	Oct. 6 1905 to Apr. 1, 1909	x	....	....	....	....
Mexican Expedition (periodic)	Apr. 12, 1911, to June 16, 1919	x	....	....	....	....
	Apr. 21, 1914, to Feb. 7, 1917	....	x	....	x	....
Nicaraguan Campaign	July 29, 1912, to Nov. 14, 1912	....	x	....	x	....
Haitian Campaign	July 9, 1915, to Dec. 6, 1915	....	x	....	x	....
Dominican Campaign	May 5, 1916, to Dec. 4, 1916	....	x	....	x	....
Army of Occupation of Germany World War I.	Nov. 12, 1918, to July 11, 1923	x	x	....	x	....
Second Haitian Campaign	Apr. 1, 1919, to June 15, 1920	....	x	....	x	....
Second Nicaraguan Campaign	Aug. 27, 1926, to Jan. 2, 1933	....	x	....	x	....
Yangtze Service	Sept. 3, 1926, to Oct. 21, 1927	....	x	....	x	....
Yangtze Service	Mar. 1, 1930, to Dec. 31, 1932	....	x	....	x	....
Yangtze Service	Feb. 4, 1932, to July 5, 1932	x	....	....	....	....
China Service	July 7, 1937, to Sept. 7, 1939	....	x	....	x	....
American Defense Service[4]	Sept. 8, 1939, to Dec. 7, 1941	x	x	....	x	x
Navy Occupation of Trieste	May 9, 1945, to Oct. 26, 1954	....	x	....	....	x
Army of Occupation of Berlin	May 9, 1945, to—(still open)	x	x	x	x	x

[1] The United States Air Force became a separate branch of the armed forces of the United States on September 18, 1947.

[2] The effective date of the Treaty of Peace with Japan which officially terminated World War II.

[3] There are over 100 Navy Expeditions; the latest three are:
- Republic of Haiti—December 4, 1929 to August 5, 1931;
- Thialand Military Operation—May 16, 1962 to August 10, 1962;
- Cuban Military Operation—January 3, 1961 to October 23, 1962

[4] Claimants for veteran preference based on service between September 8, 1939, and December 7, 1941, must meet the requirements for campaign service. The award of an American Defense Service Medal does not prove service in a campaign or expedition for which a campaign badge has been authorized. However, the requirement of campaign service is met if, in addition to this medal, the recipient is awarded a service clasp (bearing the inscription *Foreign Service* if Army; *Fleet* or *Base* if Navy; *Fleet, Sea* or *Base* if Coast Guard); or a bronze star for service outside the continental limits of the United States.

Exhibit 241.9 Preference Based on Military Service (p.7)

Campaigns and Expeditions Since April 15, 1861, for Which a Campaign Badge (Service Medal) Has Been Authorized—Continued

Campaign or Expeditions	Inclusive dates	Organizations participating (indicated by "x" below)				
		Army	Navy	Air Force[1]	Marine Corps	Coast Guard
Army of Occupation of Germany (exclusive of Berlin)	May 9, 1945, to May 5, 1955	x	x	x	....	x
Army of Occupation of Austria	May 9, 1945, to July 27, 1955	x	....	x	....	....
Navy Occupation of Austria	May 9, 1945, to Oct. 25, 1955	....	x	....	....	x
Units of the Sixth Fleet (Navy)	May 9, 1945, to Oct. 25, 1955	....	x	....	....	....
China Service Medal (Extended)	Sept. 2, 1945, to Apr. 1, 1957	....	x	....	x	x
Korean Service	June 27, 1950, to July 27, 1954	x	x	x	x	x
Armed Forces Expeditionary Medal for these operations:						
Berlin	Aug. 14, 1961, to June 1, 1963	x	x	x	x	x
Lebanon	July 1, 1958, to Nov. 1, 1958	x	x	x	x	x
Quemoy and Matsu Islands	Aug. 23, 1958, to June 1, 1963	x	x	x	x	x
Taiwan Straits	Aug. 23, 1958, to Jan. 1, 1959	x	x	x	x	x
Cuba	Oct. 24, 1962, to June 1, 1963	x	x	x	x	x
Congo	July 14, 1960, to Sept. 1, 1962 and Nov. 23 to 27, 1964.	x	x	x	x	x
Laos	Apr. 19, 1961, to Oct. 7, 1962	x	x	x	x	x
Dominican Republic	Apr. 28, 1965, to Sept. 21, 1966	x	x	x	x	x
Korea	Oct. 1, 1966, to June 30, 1974	x	x	x	x	x
Vietnam (incl. Thailand)	July 1, 1958, to July 3, 1965	x	x	x	x	x
Vietnam Service Medal	July 3, 1965, to March 28, 1973	x	x	x	x	x

[1] The United States Air Force became a separate branch of the armed forces of the United States on September 18, 1947.

Exhibit 241.9 Preference Based on Military Service (p.8)

Proof of Service-Connected Disability or Receipt of Compensation Pension, or Disability Retirement

Armed forces means:

- *Army;*
- *Navy;*
- *Air Force;*
- *Marine Corps;*
- *Coast Guard.*

Uniformed service means:

–The armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey; Environmental Science Services Administration).

Information from the General Services Administration's National Personnel Records Center (Military Personnel Records) based on armed forces records in its custody is treated the same as information from the armed forces themselves.

The Veterans Administration certificates quoted in this table are standard forms approved by the Administrator of Veterans Affairs. They may be issued by adjudication or contact officers in the field; or by the Director, Compensation, Pension and Education Service, or the Chief of Contact in the central office. When the records so indicate, the certificate shows: "The records of the Veterans Administration show that the veteran was discharged under honorable conditions."

The Veterans Administration regulations provide that, for compensation, the disability must be 10 percent or more, and that noncompensable disabilities are rated at no percent. For preference, however, the noncompensable disability may be evaluated to determine whether the disability exists in some degree. Percentage ratings are not necessary for preference.

The Veterans Administration does not issue a certificate when there is of record a rating which:

–Proposes or accomplishes the severance of the service connection, or

–Calls for discontinuance of payment within six months—unless the rating evaluates the service-connected disability at more than no percent.

Veterans Administration certificates are accepted at face value.

A. Evidence of Service-Connected Disability

Evidence	Duration of acceptability of evidence	Is this document proof that the veteran has a compensable service-connected disability of 10 percent or more?
Citation from a uniformed service showing award of the Purple Heart for wounds recieved in action. An entry on the DD 214 or the discharge certificate showing award of the Purple Heart will be considered sufficient evidence of entitlement.	Proof good indefinitely.	No.
Statement from a uniformed service showing that an injury was recieved in action, if issued to war veterans or veterans of the Korean Conflict.	Proof good indefinitely.	No.
Veterans Administration certification reading: "This is to certify that the records of the Veterans Administration in the case of (name of veteran) disclose the existence of an injury recieved in action."	Proof good indefinitely.	No.
VA certification to the present existence of a service-connected disability.	Proof good for 1 year from date issued.	No.
Certification from a uniformed service or the Veterans Administration of loss of members of body in line of duty.	Proof good indefinitely.	Yes.
Veterans Administration certification that the veteran is entitled to disability compensation on account of service-connected disability	Proof good for 1 year from date issued	Yes.

Exhibit 241.9 Preference Based on Military Service (p.9)

Evidence of Service-Connected Disability—Continued

Evidence	Duration of acceptability of evidence	Is this document proof that the veteran has a compensable service-connected disability of 10 percent or more?
Statement from uniformed service showing: -Honorable discharge for disability in line of duty; or -Honorable discharge with grant of disability severance pay	Proof good for six months from date of discharge. Thereafter, the claimant must furnish a standard Veterans Administation certificate.	Yes, if the statement indicates that the disability is 10 percent or more? [Note.—Do not assume that that members of the armed forces discharged for service-connected disability have disabilities of 10 percent or more.]
Statement from the uniformed service or retirement orders, showing that the retired officer or enlisted man: -Was retired because of permanent service-connected disability; or -Was transferred to the permanent disability retired list; or -Was retired under 10 U.S.C. 1201.	Proof good indefinitely.	Yes, if the statement or retirement orders indicate that the disability is 10 percent or more [Note.—Do not assume that members of armed forces permanently retired for disability either before or after October 1, 1949, have disabilities of 10 percent or more.]
Statement from the service department, or retirement orders, showing that the retired officer or enlisted man: -Has been transferred to the temporary disability retired list.	Proof good for 18 months from date of retirement. Thereafter, the claiment must furnish an official statement from the service showing continuance on the temporary disability retired list. Statement is good for 18 months from date issued. [Note.—Members of the armed forces placed on the temporary disability retired list are examined each 18 months for five years following the date of retirement: -if as a result of periodic examination the disability is found to be permanent and no less than 30 percent disabling, the veteran's name is placed on the permanent disability retired list. -If at the end of five years a periodic examination shows a permanent disability of less than 30 percent, the veteran is seperated from the service concerned and is issued "disability severance pay."]	Yes, if the statement or retirement orders indicate that the disability is 10 percent or more. [Note.—Do not assume that members of the armed forces temporarily retired for service-connected disability have disabilities of 10 percent or more.]

Exhibit 241.9 Preference Based on Military Service (p.10)

B. Evidence of Receipt of Compensation, Pension, or Disability Retirement From VA or the Uniformed Services

1. Compensation is money paid by the Veterans Administration for serviice-con[illegible]cted disability of 10 percent or more.
2. Disability Retirement is money paid by a uniformed service or the Veterans Administration for disability incurred in or the proximate result of performance of active duty.
3. Pension is money paid by Veterans Administration for disability (not necessarilly service connected). Pension paid under private law or special act is not pension under public laws administered by the Veterans Administration.

[Note: Money paid for service-conducted disability is "Compensation," not "pension"]

Evidence	Duration of acceptability of evidence	Is this document proof that the veteran has a compensable service-connected disability of 10 percent or more
VA certification that the veteran is in receipt of disability compensation on account of service-connected disability.	Proof good for 1 year from date issued.	Yes.
Check from the United States Government payable to the veteran and showing the symbol "VA-Comp" below the amount.	Proof good for 1 year from date of check.	Yes.
Veterans Administration certification reading: "This is to certify that the records of the Veterans Administration disclose that (name of veteran) is in receipt of disability retirement. This payment is made in accordance with public laws administered by the Veterans Administration."	Proof good indefinitely.	Yes.
Uniformed service certificate showing that the retired officer or enlisted man receives permanent disability retirement benefits.	Proof good indefinitely.	Yes, only if the official certification indicates that the disability is service-connected and rated 10 percent or more.
Veterans Administration certification reading: "This is to certify that the records of the Veterans Administration disclose that (name of veteran) is in receipt of nonservice-connected disability pension. This payment is made in accordance with public laws administered by the Veterans Administration."	Proof good indefinitely.	No.
VA certification that the veteran is entitled to disability compensation on account of service-connected disability.	Good for one year from date issued.	Yes.

Exhibit 241.9 Preference Based on Military Service (p.11)

Suitability Determinations—Veterans With 30 Percent or More Disability

Public Law 95-454 established a right of review by the Office of Personnel Management (OPM) for an agency determination involving the suitability of veterans who are 30% or more disabled. The review process is automatic and mandatory. Until the review by OPM is accomplished in a particular case, a position must be reserved for the individual veteran in case the finding of the USPS is not upheld.

Portions of subchapters 260 and 320 of Handbook P-11, *Personnel Operations*, have been amended to provide instructions for implementation of this new requirement. These procedures are effective immediately and should be filed in Handbook P-11 until the next transmittal letter is issued.

The procedure requires the use of a new form, SF-62. An initial supply of this form will be sent to each MSC.

Questions concerning this procedure should be addressed, through normal channels, to the General Manager, Employee Relations, in the appropriate regional office.

260 Employment and Placement

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265.7 Objection to or Pass Over of Preference Eligible

.71 All Veteran Preference Eligibles EXCEPT CPS

.711 Preparation. Whenever it is proposed to object to a preference eligible for other than medical reasons, or pass over a preference eligible and appoint a nonpreference eligible, the appointing official must prepare written reasons that justify the proposed action. (See 327 for objections for medical reasons.)

.712 Review and Concurrence. These reasons must be reviewed and concurred in by the SC Director, E&LR, (Director, Support, where the former is not authorized). If the position to be filled is in the sectional center, the review and concurrence of the District Director, E&LR is required. The reviewing offical will rule as to the sufficiency of the reasons for the proposed objection or pass over. The Director's concurrence or denial of the proposal must be indicated on the written request along with the authorized signature and date. The request must then be attached to the Hiring Worksheet.

.713 Reasons for Objection or Pass Over. The only acceptable reason for passing over a veteran preference eligible, and appointing an eligible without veteran preference is the possession of evidence that indicates the preference eligible fails to meet suitability requirements (see Chapter 3). For example: The veteran is being considered for a mailhandler job. While previously employed as a casual mailhandler a short time ago, the veteran's performance was clearly unsatisfactory and was so documented. This could be considered a valid reason for passing over the veteran and appointing a nonpreference eligible lower on the register.

.714 Procedure

a. Time Limits. If the Director cannot act on the request in time to permit the Hiring Worksheet to be returned to the issuing office within 21 days, the desired final action may be shown on the Hiring Worksheet. However, at least one appointment for each proposed pass over of a preference eligible must be reserved until the Director's decision is received. If the Director denies the request, the proposed objection or pass over may not be effected.

b. Appeal. Any preference eligible objected to, or passed over in favor of a nonpreference eligible, will be given the reasons for this action and will be informed of his appeal rights to the Region (see 315.3). The Region's a decison's final.

.72 CPS (Veterans with 30% or more Compensable Disability)

.721 General. When it is proposed to pass over a CPS veteran to select a nonpreference eligible in the same "group of three" the CPS eligible must first be afforded the right of an OPM review as described below. *A non-medical objection to a CPS eligible that does not result in a pass over is handled in accordance with 265.71.* The appointing official must hold a position open until a final decision is furnished by OPM.

.722 Action by Installation. The appointing official forwards to the Regional General Manager, Employee Relations Division a file containing:

a. A completed SIDE A of SF-62 in triplicate;
b. A copy of the eligible's Form 2591, *Application for Employment;*
c. A copy of all information relied upon to support the pass over, and
d. A signed, undated written notice to the eligible; this notice must:

(1) Advise the eligible that the pass over is proposed and explain the reasons for it;

(2) Specify the name of the installation, position title, grade, and hiring worksheet number;

(3) Advise the eligible of the right to respond in writing within 15 days of the date of the notification to: Office of Personnel Management, Bureau of Investigations, Division of Adjudication, Room 803H, 1900 "E" Street, N.W., Washington, DC 20415.

(4) State that OPM will notify the eligible of its decision on the proposed pass over.

.723 Action by the Region

a. Upon receipt of the file from the appointing official, the Regional General Manager, Employee Relations Division will review the file for completeness and adequacy of supporting documentation.

b. If the Region finds that the file *does not* adequately support the tentative rejection, it will advise the appointing official to appoint the eligible, or furnish additional relevant and material information.

c. If the Region finds that the file *does* adequately support the tentative rejection, it will:

(1) Date the notice to the veteran (which was previously prepared and signed by the appointing official) and send it to the veteran by certified mail, return receipt requested.

(2) Send the SF-62, a copy of the written notice to the veteran, Form 2591, and all supporting documentation upon which the disqualification was based to OPM. Materials must be sent in a double envelope, with the inside envelope marked *Confidential.* Send via a certified mail, return recept requested, to: Office of Personnel Management, Bureau of Investigations, Division of Administration, Room 803H, 1900 "E" Street, N.W., Washington, DC 20415.

(3) Steps (1) and (2) above will be completed within 10 calendar days.

.724 Action by OPM

a. If OPM sustains the reasons for pass over of the CPS veteran, the application and one copy of the SF 62 are immediately returned to the Regional General Manager, Employee Relations Division, and another copy of the SF 62 is concurrently forwarded to the appropriate installation. The appointing official may then take action to select the nonpreference eligible.

b. If OPM does not sustain the reasons for the request to pass over the CPS veteran, the appointing official may submit more detailed information to the region. If the region determines that the circumstances warrant reconsideration by OPM, the same submission procedures will be followed, again giving the CPS eligible 15 days to respond to the more detailed information. If OPM does not sustain the reasons for the proposed pass over, the appointing official may not pass over the preference eligible.

320 Medical Suitability

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321 General Information

321.2 Definitions

.21 Postal

.211 Postal Medical Officer. A postal medical officer (referred to here as Medical Officer) is a duly licensed physician who is a postal employee attached to a postal installation with medical responsibilities in that postal installation and/or other post offices in the area.

.212 Medical Facility Nurse. A nurse who is a postal employee attached to a postal installation with medical responsibility in that installation which includes review of routine pre-employment Forms 2485, *Certificate of Medical Examination.*

.213 Contract Physician. A duly-licensed physician or clinic under written agreement with the Postal Service to provide specified medical services in a geographical area are not covered by a postal medical officer.

.214 Medical Facility. A Postal Service medical or health unit, or the office of a contract physician.

.215 Pre-employment Medial Examination. A medical examination conducted by a duly licensed physician for the purpose of providing management with information concerning the medical suitability of a selected eligible's ability to physically or mentally perform in a specific position. Form 2485 is used for this purpose.

.22 Non-Postal

.221 **Federal Medical Officer.** A duly licensed physician who is a government employee, civilian or military, paid on a salary basis, e.g., U.S. Public Health Service, Veterans Administration physicians.

.222 **Private Physician.** A duly licensed physician who is not a postal medical officer, a contract physician, or a federal medical officer.

.223 **Duly Licensed Physician.** A doctor of medicine or osteopathy (referred to here as physician) currently licensed to practice in any state or territory of the United States.

.224 **Office of Personnel Management—Medical Division.** The authority for review of 30% or more disabled veterans medical files when office objects to hiring CPS veteran for medical reasons (*medical objection* is synonymous with disqualification for medical reasons).

.23 **CPS, CP, CP* Veterans**

.231 CPS means a CP veteran whose percentage of disability is 30% or more.

.232 CP means a veteran with a service-connected, compensable disability of less than 30%.

.233 CP* is a veteran with a service-connected compensable disability, but the percentage of disability is unknown.

.24 **SF-62.** Form used to reject a CPS veteran for medical reasons.

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324 Requesting Medical Suitability Determination

324.1 Responsibility

.11 USPS medical personnel are responsible for making medical suitability determinations.

.12 OPM makes final medical determinations in cases of CPS veterans entitled to right to review process.

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Change section 326.4 Medical Unsuitability to the following:

327 Medical Unsuitability

327.1 Nonveterans and Veterans with Less than 30% Disability

.11 **Basis for Determination**

.111 Any determination of medical unsuitability must be fully documented by the medical officer, and be based on objective clinical indications or laboratory results whenever possible. A determination of unsuitability will include a description of the applicant's physiological and/or psychological disability(ies) in lay terms, as they relate to the specific requirements or duties of the position which the applicant cannot perform.

.112 The medical officer's discussion of limitations will also be considered by the appointing official in reviewing any possible reasonable accommodation of a handicap that may be contemplated.

.12 **Appointment Decision.** An appointing official's decision not to make an appointment because of medical reasons must be based on a determination of medical unsuitability by the examining or reviewing medical officer. If the appointing official wishes to take a course of action contrary to the determination of the examining or reviewing medical officer, and the matter cannot be resolved locally, the case may be sent through channels to the Regional General Manager, Employee Relations Division, for further medical review by the Regional Medical Director. Copies of all medical records involved must be sent directly from the medical officer to the Regional Medical Director.

.13 **Notification.** When a medical officer determines that an individual is medically unsuitable, and the appointing official decides against appointment, advise the individual in writing of the specific reasons. Also provide an explanation of the right to appeal within 15 days to the Regional General Manager, Employee Relations Division and supply address to which an appeal may be sent. Advise the individual that the appeal must be in writing, and may include additional medical or other relevant information in support of the appeal. Appeal rights are extended to all persons found medically unsuitable, including eligibles on entrance registers, persons requesting transfer or reinstatement, etc. See Appendix D-7.

.14 **Final Decision.** The Regional General Manager, Employee Relations renders a decision on any such appeal, after reviewing the recommendation of the Regional Medical Director. There is no further right to appeal. The written appellate decision will be sent to the individual by the Region, with a copy to the installation.

327.2 Disabled Veterans with 30% or More Disability (CPS)

.21 **Basis for Determination**

.211 When it is proposed to remove from appointment consideration a CPS veteran whose physical or mental capabilities are insufficient for him to perform the duties of the specific position, the tentative determination is made by the USPS Medical Officer. This determination must be fully documented and based on clinical findings from physical examination results, laboratory data, VA files, assessment of present status of specific medical condition, and risk-related factors where applicable.

.212 The Medical Officer's preliminary finding of limitations will also be considered by the appointing official in reviewing any possible reasonable accommodation of a handicap that may be contemplated.

.22 Right to Review

.221 When a tentative determination is made that a CPS veteran is not medically suitable he is afforded the right to an OPM review as described below. The appointing official must hold a position open until a final decision is furnished by OPM.

.222 **Action by Installation.** As soon as possible after the adverse medical suitability is made, the appointing official must forward to the Regional General Manager, Employee Relations Division, a file containing:

a. A completed side B of SF-62 in triplicate.

b. A copy of the eligible's Form 2591, *Application for Employment*.

c. A copy of all information relied upon to support the adverse medical suitability determination.

d. A signed, undated written notice to the eligible; this notice must:

(1) Advise the eligible that he does not possess the necessary medical qualifications for the position by identifying the eligible's critical medical inadequacies in relationship to work environment or physical demand factors such as those identified on Form 2485.

(2) Include a copy of position description.

(3) Advise the eligible of the right to respond in writing within 15 days of the date of the notification to: Office of Personnel Management, Attention: Pre-Employment Section, Medical Division, 1900 E Street, N.W., Washington, DC 20415.

(4) State that OPM will notify the eligible directly of its decision.

.23 Regional Action

.231 Upon receipt of the file from the appointing official, the Regional General Manager, Employee Relations Division will review the file for completeness and adequacy of supporting documentation.

.232 If the Region finds that the file *does not* adequately support the tentative rejection, it will advise the appointing official to appoint the eligible, or furnish additional relevant and material information.

.233 If the Region finds the file *does* adequately support the tentative rejection, it will:

a. Date the notice to the veteran (which was previously prepared and signed by the appointing official) and send it to the veteran by certified mail, return receipt requested.

b. Send the SF-62, a copy of the written notice to the veteran, Form 2591, and all supporting documentation upon which the disqualification was based to OPM. Materials must be spent in a double envelope, with the inside envelope marked *Restricted—Medical*. Send via certified mail, return receipt requested, to the Office of Personnel Management. Attn: Pre-Employment Section, Medical Division, 1900 E Street, N.W., Washington, DC 20415.

Note. Steps *a* and *b* must be completed within 10 calendar days.

.24 OPM Decision

.241 If the OPM's medical officer sustains the reasons for the tentative rejection, the application and one copy of the SF-62 are immediately returned to the Postal Service (Regional General Manager, Employee Relations Division) and another copy of the SF-62 is concurrently forwarded to the appropriate postal installation. The appointing official may then remove the eligible from the hiring worksheet, and appoint another eligible. The CPS veteran is likewise sent a notification by the OPM of the final determination. This notification will also inform the eligible of his right to request further review of the OPM's determination of eligibility for future hiring worksheets, if he has additional medical evidence to support the request.

.242 If the OPM's medical officer does not sustain the reasons for the tentative rejection, the appropriate notations are made on the SF-62 and a copy of that form, with all attachments, is returned to the Regional Office, and another copy of the SF-62 is concurrently forwarded to the appropriate postal installation. The OPM will also notify the CPS eligible of its determination.

.25 **Final Action.** Upon receipt of OPM's decision not to sustain the medical rejection, the appointing official may submit more detailed, or additional evidence to the regional office in further support of the disqualification. If the region determines that the circumstances warrant reconsideration by OPM, the same submission procedures will be followed, again giving the CPS eligible 15 days to respond to the more detailed information. However, until a final OPM determination has been received, the installation must hold a position for the eligible. If OPM does not sustain the appointing official's determination the eligible must be processed for appointment.—*Employee Relations Dept., 9-10-81.*

262 Special Provisions

262.1 Filling Reserved Positions

.11 Preference Eligibles. Certain positions are restricted to preference eligibles under the Veterans' Preference Act of 1944. This restriction applies only to competition in examinations for entrance into the Postal Service. The following are restricted positions in the Postal Service:

Captain of Guard
Cleaner
Cleaner-in-Charge
Custodial Laborer
Custodian
Elevator Operator
Elevator Starter
Fireman-Laborer
Foreman of Laborers
Guard
Guard-Laborer
Laborer
Laborer-Custodial
Lieutenant of Guard
Matron
Messenger
Watchman (mail handling areas)
Window Cleaner

.12 Nonpreference Eligibles

Applicants who are not entitled to veteran preference may be placed in positions reserved for preference eligibles only when preference eligibles are not available. In such instances, efforts to recruit preference eligibles must be fully documented and made a part of the permanent records filed in the official personnel folder of the non-preference eligibles appointed. Preference eligible restrictions do not apply when these positions are filled through inservice selection.

272.1 Persons Entitled to 10-Point Preference

.11 When an entrance examination is not open, applications will be accepted at any time from a qualified person entitled to 10-point veteran preference (either CP or XP), provided any one of the following conditions is met:

a. There is an *existing* register for the position for which application is submitted.

b. There is a register about to be established for such a position.

c. A career appointment from a register has been made to the position within the three years preceding the date the application is filed.

.12 Eligibility will bew cancelled if the veteran is unable to prove veteran preference. Proof of entitlement to 10-point preference may be required before the applicant is scheduled for the exam.

.13 The veteran may reopen each examination only once at any one installation.

272.3 Persons Unable to File Application because of Military Status

.31 Applications will be accepted from persons who missed an opportunity to compete in an open examination because of military service of hospitalization for no more than one year from the date of discharge from military service if:

a. The application was filed within 120 days after discharge from the military or the hospital.

b. The register established from the missed examination has not expired.

.32 Applications will also be accepted from these persons if opportunity to compete was missed while traveling to a permanent residence after discharge from the military or hospital, providing that the application is filed no later than 120 days after such discharge.

.33 Applicants may file applications while still in the Armed Forces, provided their discharge or release from active service is to be within 120 days. Any questions about leave from the Armed Forces necessary to compete in the examination must be resolved by the applicant and proper military authorities. Applicants are not considered for appointment until they notify the appointing officer that they will be available for appointment in the near future.

.34 Entitlement to veteran preference is not a requirement for eligibity to file a delayed application under this section.

272.4 Reservist on Active Duty

Application will be accepted from a member of a reserve unit of the Armed Forces who was unable to file application or appear for the written test because of active duty (even if designated for training purposes) with the Armed Forces. This is subject to the following conditions:

a. The active duty must have been for a period of more than 15 days.

b. The examination for which the applicant wishes to file must have been open during the period of active duty or have been announced within 120 days after release from such duty.

c. The register which resulted from the examination must not have been terminated.

d. The applicant may file the application while on active duty, but must file within 120 days after release from such duty.

272.8 Limitations

A CP or XP preference eligible qualifying under 272.1 (reopened), or 272.3 (delayed), may take the same examination for the same installation only once. That is, the individual may not use the 272.1 privilege in concert with the 272.3 privilege to take the same examination twice. Where an area eligibility register (AER) is in use, the examination may be reopened only once, not once for each installation in the area.

311.6 Obtaining Records

.62 Military Records

Exhibit 311.62 shows the address from which information concerning an applicant's military service can be obtained. *Important:* If the individual has two or more periods of service within the same branch of service, send request to the office having the records for the latest period.

Branch of Service	Category of Military Personnel Records	Where to Write
Air Force	All reserve members not on extended active duty. All retired reservists in a non-pay status.	Air Reserve Personnel Center 3800 York St. Denver, CO 80205
	All active duty personnel. All personnel on the temporary disability retired list (TDRL). General Officer in a retired (pay) status.	USAF Military Personnel Center, Military Records Division Randolph AFB, TX 78148
Air National Guard	Current Officer members.	National Guard Bureau (AFPM) Washington, D.C. 20310
	Current airmen (enlisted) members.	The Adjutant General of the Appropriate State, District of Columbia, or Commonwealth of Puerto Rico
Army	Enlisted personnel separated before Nov. 1, 1912.	National Archives and Records Center National Archives Bldg. Washington, D.C. 20310
	All personnel separated January 1, 1962 thru June 30, 1968. All retired personnel (except general officers). All reserve members (includes retired reservist).	Commanding Officer U.S. Army Administration Center, TAC 9700 Page Blvd., St. Louis, MO 63132
	All officers on active duty and retired general officers.	The Adjutant General ATTN: AGPF Department of the Army Washington, D.C. 20310
	Enlisted personnel on active duty.	U.S. Army Personnel Services Support Center Fort Benjamin Harrison, IN 46249
Army National Guard	All members not on active duty in the U.S. Army. Personnel discharged from the National Guard (excludes records for periods of active duty and active duty for training in the U.S. Army).	The Adjutant General of the Appropriate State, District of Columbia, or Commonwealth of Puerto Rico
	Records for periods of active duty or active duty for training in the U.S. Army for periods ending after Dec. 31, 1969	Commanding Officer U.S. Army Administration Center, TAGO 9700 Page Blvd, St. Louis MO 63132

Exhibit 311.62 Sources of Military Records (p.1)

Branch of Service	Category of Military Personnel Records	Where to Write
Coast Guard	Enlisted personnel separated less than 6 months. Officer personnel separated less than 3 months. All active Coast Guard personnel and members of the reserve. Officer personnel completely separated before January 1, 1929.	Commandant U.S. Coast Guard Washington, D.C. 20226
Marine Corps	Officer personnel on active duty or in reserves. Enlisted personnel on active duty, or in organized active reserves. All personnel completely separated less than 4 months.	Commandant of the Marine Corps Headquarters US Marine Corps Washington, D.C. 20370
Navy	Officers on active duty and those separated less than 1 year. All officers with rank of admiral. Enlisted personnel on active duty and those separated less than 4 months. Active reservists and inactive reservists with 18 or more months remaining in 1st term of enlistment.	Chief of Naval Personnel Department of the Navy Washington, D.C. 20370
All Branches	If your request does not pertain to any of the categories listed above, address your inquiry to:	National Personnel Records Center (Military Personnel Records) 9700 Page Boulevard St. Louis, MO 63132 Telephone: 268-7141 Area Code: 314

Exhibit 311.62 Sources of Military Records (p.2)

313.8 Unsatisfactory Military Service

If the *Application for Employment* or the applicant's discharge or other military separation papers indicate convictions for military offenses, the appropriate military authority should be contacted to determine whether the conviction was for an offense which would make the applicant unsuitable for postal employment. If the applicant received a less than honorable (including clemency or general) discharge from military service, the reasons should be ascertained, and a determination made as to whether they would make the eligible unsuitable for postal employment.

322 Pre-employment Medical Examination

322.2 When Not Required

.22 **Return to USPS After Military Service.** Form 2485 is not required (even if there is a break of service of more than one year) unless there is evidence indicating that the individual may be medically unable to perform the duties of the position without hazard to self or others.

324.2 Documents Needed by Medical Facility

b. From the Veterans Administration. When an application (or other documents) indicates that a person has a compensable disability recognized by the Veterans Administration, the appointing official will request a medical survey and disability rating from the VA. Use Forms 2488, *Authorization for Medical Report* and 5902, *Request for VA Medical Survey.*

542.333 Veteran Preference

a. Applicants from outside the Postal Service are responsible for providing the Postal Service with necessary documents to substantiate a claim for any type of veteran preference. (See Section 240 of this Handbook for further information on veteran preference.)

b. The register of eligibles, established in accordance with 542.324, indicates the type of veteran preference to which each applicant is entitled by the proper endorsement beside the name of the candidate (see 241.62).

c. A veteran may not be passed over and a non-veteran ranking lower on the register of eligibles selected without proper justification. Such justification must be submitted prior to selection to the SAPMG, E&LR Group for disposition.

542.334 Eligibility, Qualification and Suitability Investigation

a. As soon as possible after expiration of the time allowed for receipt of applications, the SCM forwards to the Regional Chief Postal Inspector all of the forms and necessary supporting documents received, the Notice 1 that was posted at the vacancy post office, and copies of any other notices publicizing the vacancy, together with a request that an eligiblity, qualification, and suitability investigation be made of each individual applying and that a register of eligibles be established.

b. The register of eligibles will be constructed as follows:

Group 1. All qualified and suitable applicants entitled to "CP" preference, listed in order of their relative qualifications.

Group 2. All other qualified and suitable applicants listed in order of their relative qualifications.

611.5 Employing Retired Members of Uniformed Services

.51 Hiring Policies

.511 **Veteran Preference.** Retired members of the Uniformed Services are considered preference eligibles for retention standing purposes for reduction in force, only if they meet one or more of the conditions of section 12(b) of the Veterans' Preference Act of 1944, as amended. There are three conditions:

a. Their retirement was based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict, or caused by an instrumentality of war and incurred in the line of duty during a period of war as defined in 38 U.S.C. 101 and 301. This includes:

(*1*) World War I (April 6, 1917 to November 11, 1918; in case of a veteran serving with U.S. military forces in Russia, April 6, 1917 to April 1, 1920);

(*2*) World War II (December 7, 1941 to December 31, 1946);

(*3*) The Korean conflict (June 27, 1950 to January 31, 1955);

(*4*) Vietnam conflict (July 3, 1963 to May 17, 1975);

(*5*) Any period of continuous service performed by the veteran after December 31, 1946 and before July 26, 1947, if the period began before January 1, 1947.

b. Their service did not include 20 or more years of full time active service, regardless of when performed but not including periods of active duty for training. Any person whose retirement is based on at least 20 years of active service (excluding training duty) is considered to have 20 or more years of full time active service, even if this actual day-for-day service totals less than 20 years. Example: An enlisted person who transferred to the Navy Fleet Reserve after 19 years and 6 months of actual service, but received credit for 20 years of service for retirement purposes, would be considered to have 20 years of full time active service.

c. Immediately prior to December 1, 1964, they were employed in a civilian office to which the Veterans' Preference Act applies, and on and after such date they continued to be employed in any such office without a break in service of more than 30 days.

.512 **Dual Compensation.** The Dual Compensation Act provides that retired regular commissioned or warrant officers of any of the uniformed services who are hired in a civilian position will receive the full salary of that position, but will have their retired pay reduced to an annual rate of $2,000 plus one-half of any remainder. A total exemption from this reduction in retired pay is provided for regular officers retired for *combat disability.* A *first-30 day* exemption is provided for retired regular officers employed on a temporary part-time or intermittent basis. Retired nonregular officers and retired enlisted personnel are not subject to any reduction in retired pay when employed in civilian positions.

.52 **Pay Grades & Titles Reference.** See Exhibit 611.52 for pay grades and titles for members of the uniformed services.

.53 **Form 50-B Information.** Element 88, Free Form Remarks, on all Forms 50 effecting appointment of retired members of the uniformed services must include the following information:

a. If appointee is entitled to veteran preference but is not considered a preference employee for reduction in force purposes, enter: *Your veteran preference not applicable for reduction-in-force purposes.* (In these cases, element 9 is also completed, to show type of preference.)

b. As the last item in element 88, add the following in the order listed:

(*1*) RETO = A retired commissioned or warrant officer; RETM = A retired enlisted person.

(*2*) Identify the uniformed service from which retired:

A = Army
N = Navy
AF = Air Force
MC = Marine Corps
CG = Coast Guard
NOAA = National Oceanic and Atmosphere Administration
PH = Public Health Service

(*3*) Effective date of retirement (month, day, year), e.g., *02-15-78.*

(*4*) Service number.

(*5*) Rank when retired: show in terms of pay grade. (See applicant's DD-214.)

(*6*) Regular on nonregular:

reg = regular
nonreg = nonregular

(*7*) Whether appointee has 20 or more years of active service:

20 = 20 or more years
less 20 = less than 20 years

(*8*) Whether retirement was based on combat disability:

combt = yes
noncombt = no

(*9*) Whether appointee is a regular officer excepted under section 210(e) of P.L. 88-848 from reduction in retired pay:

201e = appointee is excepted under this section of the law

If it is also an exception granted by the Office of Personnel Management, add the authority for the except, e.g. 201e CSC Reg. or *201e CSC Ltr (date). Note:* Item (9) is left blank unless item (4) is recorded *RETO* and item (6) is recorded *reg.*

c. The following examples show how the information in 611.63b is to be entered:

—RETO/A/01-15-65/0000000000/03/reg/20/noncmbt/201e CSC Reg
—RETO/PH/12-10-72/0000000000/0-6/reg/20/noncmbt/not 201e
—RETO/AF/11-20-73/0000000000/0-8/nonreg/20/noncmbt
—RETO/N/04-30-75/0000000000/E-S/reg/less 20/noncmbt
—RETO/MC/07-18-76/0000000000/W-2/reg/20/noncmbt/not 201e
—RETO/A/05-01-77/0000000000/E-5/nonreg/less 20/noncmbt
—RETO/A/01-15-78/0000000000/0-7/reg/20/cmbt/not 201e

.54 **Reporting to Finance Centers**

.541 **General.** The finance centers of the uniformed services need to know when retired officers are hired in civilian positions, to effectively administer the reduction in retired pay provisions of the Dual Compensation Act.

Uniformed Services Pay Grades and Titles (Ranks)

Enlisted Personnel

Pay Grade	Army	Navy and Coast Guard	Air Force	Marine Corps
E-1...	Private	Seaman Recruit	Airman Basic	Private
E-2...	Private	Seaman Apprentice	Airman, 3d Class	Private, 1st Class
E-3...	Private, 1st Class	Seaman	Airman, 2d Class	Lance Corporal
E-4...	Corporal; Specialist	Petty Officer, 3d Class	Airman, 1st Class	Corporal
E-5...	Sergeant; Specialist	Petty Officer, 2d Class	Staff Sergeant	Sergeant
E-6...	Staff Sergeant; Specialist	Petty Officer, 1st Class	Technical Sergeant	Staff Sergeant
E-7...	Platoon Sergeant, Sergeant, 1st Class Specialist	Chief Petty Officer	Master Sergeant	Gunnery Sergeant
E-8...	Master Sergeant; First Sergeant	Senior Chief Petty Officer	Senior Master Sergeant	First Sergeant; Master Sergeant
E-9...	Sergeant Major	Master Chief Petty Officer	Chief Master Sergeant	Sergeant Major; Master Gunnery Sergeant

(Note: Environmental Science Services Administration (Coast and Geodetic Survey) and Public Health Service do not have enlisted personnel.)

Officer Personnel

Pay Grade	Army, Air Force, and Marine Corps	Navy, Coast Guard, and Coast and Geodetic Survey	Public Health Service
W-1..	Warrant Officer	Warrant Officer	
W-2..	Chief Warrant Officer	Chief Warrant Officer	
W-3..	Chief Warrant Officer	Chief Warrant Officer	
W-4..	Chief Warrant Officer	Chief Warrant Officer	
O-1...	Second Lieutenant	Ensign	Junior Assistant
O-2...	First Lieutenant	Lieutenant (jg)	Assistant Grade
O-3...	Captain	Lieutenant	Senior Assistant Grade
O-4...	Major	Lieutenant Commander	Full Grade
O-5...	Lieutenant Colonel	Commander	Senior Grade
O-6...	Colonel	Captain	Director Grade
O-7...	Brigadier General	Rear Admiral (lower half)	Assistant Surgeon General
O-8...	Major General	Rear Admiral (upper half)	Assistant Surgeon General
O-9...	Lieutenant General	Vice Admiral	(Note: PHS does not use grades 0-9 or O-10.)
O-10..	General	Admiral	

(Note: Environmental Science Services Administration (Coast and Geodetic Survey) and Public Health Service do not have warrant officer grades).

Exhibit 611.52. Uniformed Services Pay Grades and Ranks.

.542 **What to Report.** The PDCs must report promptly to the appropriate finance center all appointments of retired officers of any of the uniformed services, whether they are regular or nonregular, subject to the reduction in retired pay provisions or not, and whatever the basis of retirement. PDCs do not report the employment of retired enlisted personnel. If there is any doubt about an appointee's status as officer or enlisted person, the PDC will report the accession. The finance center determines the appointee's status and the effect of the Dual Compensation Act on the appointee.

.543 **How to Report.** A photostat or other permanent type copy of the Form 50 must be sent to the appropriate finance center whenever a retired officer is employed.

.544 **Finance Centers.** Each of the seven uniformed services has a retired pay finance center. They are:

Army
Command General
Finance Center, U.S. Army
Att: Chief, Retired Pay Division
Indianapolis, IN 46249

Navy
Commanding Officer
Retired Pay Department
U.S. Navy Finance Center
Cleveland, OH 44114

Air Force
Air Force Accounting and Finance Center
Directorate of Allotment of Retired Pay
3800 York Street
Denver, CO 80205

Marine Corps
Marine Corps Finance Center
Retired Pay Division
Kansas City, MO 64197

Coast Guard
Commandant (FP-4)
U.S. Coast Guard Headquarters
Washington, DC 20226

National Oceanic and Atmospheric Administration
(Environmental Science Services Administration,
formerly Coast and Geodetic Survey)
Chief, Commissioned Personnel Division
NOAA, Attn: CC1
Rockville, MD 20852

Public Health Service
Commissioned Officer's Pay Unit
Central Payroll Division (DHEW)
P.O. Box 1620
Washington, DC 20013

.55 Requests from Finance Centers

Finance centers may find it necessary to ask for information about individual employees. (For example, a finance center may ask the Postal Service to certify the days of the month a retired officer received salary.) Information should be provided in the form requested. If the postmaster or other appointing officer can not determine from the documents furnished by the appointee whether the latter is a regular or nonregular retired officer, the appointing officer should request the military finance center to advise if any correction is required on the basis of new information received.

611.6 Career Conditional Date

.61 Purpose

.611 In the administration of Article VI of the National Agreement, calculation of career conditional date (CCD) is necessary to establish relative retention rights between and among groups of bargaining unit employees. Like the retirement computation date, CCD must only be calculated once for each employee and is entered in Item 88 of Form 50-B.

.612 This method for determining the CCD is intended to be consistent with the regulations of the Office of Personnel Management (OPM) for determining career tenure status for reduction in force purposes. To the extent the method is inconsistent with those regulations, or if OPM regulations are modified in the future, the OPM regulations control.

.62 General Coverage. A CCD is to be computed for all employees covered under the terms of the 1978 National Agreement who enter (or have entered) full-time, part-time regular, or part-time flexible positions on or after September 16, 1978.

.63 Definitions. These definitions are applicable only for the administration of Article VI of the National Agreement:

a. Career Conditional. Employees with less than three years of generally continuous career federal service are considered to be career conditional. See 611.64, .65, and .66 for specific guidance concerning the calculation of creditable service.

b. Career. Employees with three years or more of generally continuous career federal civilian service are considered to be career.

.64 Determining Creditable Service For Computation of CCD. Certain intervening temporary, excepted, and military service is creditable under one of the following conditions:

a. Service must begin with one of the following dates:

(*1*) The date of nontemporary excepted appointment (only when the service has been continuous and the employee: (a) acquired competitive status, or (b) had the appointment converted to a career conditional appointment, based on the position having been brought into the competitive service).

(*2*) The date of appointment to a position on the White House staff or in the immediate office of the President (only when service has been continuous and the employee transferred to a competitive position on the basis of the earlier White House service).

612.6 Reemployment (Codes 160, 161)

.61 Reemployment Military (Code 160)

.611 Definition. Remployment upon exercise of restoration rights based on military service.

PROVISIONS FOR THE HANDICAPPED

320 Recruitment and Hiring

321 General Provisions for Recruiting

321.1 Establishing a Need for Recruitment

.12 Equal Employment Opportunity (EEO) Program. The installation head implements an equal employment opportunity program which includes affirmative recruitment, selection, and placement. The installation head assures that all eligibles are considered.

USPS Handbook P-11

All applicants must be considered by priority groups in the following order:

Group 1.—Persons entitled to a 10-point preference who have a compensable service-connected disability of 10 percent or more.

Group 2.—All persons entitled to veteran preference.

Group 3.—All other applicants.

b. The appointing officer must consider all available qualified applicants in the priority order. The appointing officer may select any applicant in the highest priority group, but may not select from a lower group as long as there are three qualified applicants in a higher group (or in a combination of higher groups) still available. If three persons are available in group one, the appointing officer may not appoint a person from a lower group; if three veterans are available, either 10-point or 5-point, the appointing officer may not appoint a nonveteran, except as provided in 265.7.

.34 Employment of the Handicapped

.341 Policy. Postal Service policy is to provide employment opportunities to qualified handicapped persons. 29 USC 706 generally defines the handicapped as any individual who [illegible] cal or mental impairment which substantially limits one or more major life activities. Most handicapped employees are appointed from a regular register. However, the *severely* handicapped are appointed from a separate register, and special recruitment procedures are applicable.

.342 Reasonable Accommodation. The Postal Service is required to make reasonable accommodation to meet the physical and mental limitations of qualified handicapped employees, provided, the accommodation does not impose an undue hardship on the operations to which handicapped employees are assigned. Reasonable accommodation may include, for example, providing or improving accessibility to the building; modified performance requirements which capitalize on the abilties of handicapped employees without detriment to the service; acquisition or modification of equipment or devices; or special examinations (see 421.84, and Handbook P-30, *Conducting Postal Employment and Placement Examinations, subchapter 540*).

.343 Severely Handicapped—Consideration. Applicants designated as *severely* handicapped must meet the requirements of, and be so designated and referred by, their State Department of Vocational Rehabilitation. The names of applicants so certified are placed on a separate noncompetitive register, which is applicable for appointment to any entry-level position; written entrance exams are not required, but a performance exam may be. A casual or temporary appointment will be made from this register to an appropriate position which properly utilizes the skills and/or capabilities of the handicapped individual. Applicants are considered and selected by the method described in 261.338.

.344 Certification and Medical Exam. Prior to employing a severely handicapped person, the postal installation head must obtain a certificate from the appropriate State Vocational Rehabilitation Agency which indicates that the handicapped person (a) has the ability to perform the duties of the position, (b) is qualified to do the work without hazard to self or others, and (c) is physically and socially competent to maintain self in a work environment, either independently, or with continuing help as has been provided in after-working-hours living. The normal pre-employment medical exam is required. The Medical Officer must provide a statement of medical suitability and recommendation to the appointing official. Local management will use the advice and assistance of the State Vocational Rehabilitation Agency in the training and supervision of handicapped employees and in the post-placement counseling of these employees. (*Note:* These services are a normal part of the follow-up process of State Vocational Rehabilitation Agencies. Postal coordinators for employment of the handicapped will work closely with the State Vocational Rehabilitation Agency representatives in the follow-up program.)

.345 Conversion to Career Appointment.

a. From Casual. If a person given an 89-day casual appointment from the separate severely handicapped register demonstrates satisfactory progress in meeting the requirements of the job, a second 89-day casual appointment may be given to ensure that the individual attains the necessary level of job proficiency. Upon satisfactory completion of the second casual appointment, the individual may be given a career appointment subject to the appropriate probationary period. If the employee's performance during the first 89-day casual appointment is very good, the appointing officer may waive all or part of the second casual appointment and convert the employee to career status, subject to the appropriate probationary period. Before waiving the second casual appointment, the appointing official must be satisfied that all facets of the employee's performance fully meets or exceeds the job requirements, and that the employer's interests would be best served by granting the waiver. Conversions to career before the completion of first casual appointment are not authorized.

b. From Temporary. A person appointed to a temporary (as opposed to casual) position from the severely handicapped register may be converted to career after 3-6 months of satisfactory service.

.346 Separation. In cases where it becomes reasonably clear that the severely handicapped employee will be unable to develop the requisite abilities for the job, separation action must be initiated as soon as this determination is made, either during the casual appointment period or, if already converted to career status, during the probationary period. The postal installation head will not terminate a severely handicapped person's employment without notification to the State Vocational Rehabilitation counselor concerned, to enable the State Vocational Rehabilitation Agency to make other arrangements for rehabilitiation, employment, or other State-sponsored assistance.

320 Medical Suitability

321 General Information

321.1 Physical Qualifications

Physical qualifications are established for Postal Service entrance positions, and may be changed only by the Assistant Postmaster General, Employee Relations. However, they may be waived by the installation head in individual cases.

321.2 Definitions

.21 Postal Medical Officer. A postal medical officer (referred to here as *Medical Officer*) is a duly licensed physician who is a postal employee attached to a postal installation with medical responsibilities in that postal installation and/or other post offices in the area.

.22 Medical Facility Nurse. A nurse who is a postal employee attached to a postal installation with medical responsibility in that installation which includes review of routine pre-employment Forms 2485, *Certificate of Medical Examination.*

.23 Contract Physician. A duly licensed physician or clinic under written agreement with the Postal Service to provide specified medical services in a geographical area not covered by a postal medical officer.

.24 Federal Medical Officer. A duly licensed physician who is a government employee, civilian or military, paid on a salary basis, e.g., U.S. Public Health Service, Veterans Administration physicians.

.25 Private Physician. A duly licensed physician who is not a postal medical officer, a contract physician, or a federal medical officer.

.26 Duly Licensed Physician. A doctor of medicine or osteopathy (referred to here as *physician*) currently licensed to practice in any state or territory of the United States.

.27 Medical Facility. A Postal Service medical or health unit, or the office of a contract physician.

.28 Pre-employment Medical Examination. A medical examination conducted by a duly licensed physician for the purpose of providing management with information concerning the medical suitability of a selected eligible's ability to physically or mentally perform in a specific position. Form 2485, *Certificate of Medical Examination,* is used for this purpose.

321.3 Use of Contract Physicians

Physicians (or clinics) with whom the USPS has a negotiated agreement to conduct pre-employment medical examinations (and possibly to provide other medical services) function as medical officers. For the purpose of this chapter, contract physicians may be considered as medical officers.

322 Pre-employment Medical Examination

322.1 When Required

.11 Purpose. The main purpose of the pre-employment medical examination program is to assure that selected eligibles (prospective appointees) are able to perform the duties of their prospective positions without hazard to themselves or others. Other purposes include reducing workers' injury and compensation liability, preserving USPS human resources, and reducing operating costs.

.12 Policy. A pre-employment medical examination and suitability determination is mandatory for all career, temporary, or casual appointments, and for all conversions to jobs having more demanding physical requirements than the employee's present one.

.13 Reinstatement

.131 If the prospective appointee has a break in service of more than one year, a new medical examination must be obtained, using Form 2485.

.132 If the break in service is less than one year, a new examination is required unless *all* of the following conditions are met.

a. A Form 2485 was obtained in connection with the individual's previous employment.

b. The duties of the position for which the individual is being considered do not require higher physical capacities than the position last held.

c. A review of the new application and other preliminary selection and appointment processes does not disclose any probable need for a new medical examination.

d. The previous form 2485 with a notation as to review of present physical condition is in existence.

322.2 When Not Required

.21 Conversion. If a Form 2485 establishing that the employee meets the physical qualifications specified for the new position exists, and no probable need for a new physical examination is present, a new Form 2485 is not required.

.22 Return to USPS After Military Service. Form 2485 is not required (even if there is a break of service of more than one year) unless there is evidence indicating that the individual may be medically unable to perform the duties of the position without hazard to self or others.

326.2 Waiving Physical Requirements

.21 Appointing officials may waive the Postal Service physical requirements when making an appointment. This is a management decision, mindful of the opinion and determination of the medical officer as to whether the individual can perform the duties of the position efficiently and without hazard to self, fellow employees, and others. Such waivers will be documented by memo and filed on the right-hand side of the employee's OPF, and in the Medical Unit. The appropriate handicap code is recorded on the accession Form 50.

.22 For factors to consider in making waivers, see 334.2.

334.2 Factors to Consider

In determining medical fitness of persons with amputations, deformities, or disabilities, the following general factors must be considered:

a. Past employment record.

b. Muscular residual power, especially the muscles actuating the shoulder and hipjoints.

c. Coordination of movements, body equilibrium and the sense of security of the individual.

d. Endurance or will power of the person.

e. Effectiveness of artificial aids if these are used.

f. Working environment of the position under consideration.

g. Whether the duties of the position would be hazardous to the individual or would endanger the safety of others.

HEARING REQUIREMENTS FOR DRIVING POSITIONS

Hearing requirements for applicants operating motor vehicles have been changed in Handbook P-11, *Personnel Operations*, as follows:

333.5 Driving Requirements

.51 For positions requiring the driving of vehicles less than 10,000 pounds GVW,

There are no specific hearing requirements for applicants for these positions to be able to qualify for the SF-46, U.S. Government Motor Vehicle Operator's Identification Card.

.52 For positions requiring the driving of vehicles 10,000 pounds or larger,

Applicants must meet the hearing requirement prescribed in Qualification Standard 5700, Motor Vehicle Operator and Tractor-Trailer Operator.

All other requirements remain the same for driving positions as cited in the P-11 Handbood and Qualification Standard 2300h.—*Employee Relations Dept., 8-20-81.*

421.84 **Applicants with Handicaps.** Some applicants who have handicaps which prevent their competing in regular examinations may be capable of performing the duties of the job for which they are applying. Their applications should be accepted and appropriate advance arrangements made for the examination through NTAC.

511.7 Physical Requirements

Normally, employees must meet the physical standards for the positions to which assigned. (See 320 for explanation, including situations in which physical standards are waived.)

611.8 Reporting on Accessions of Handicapped Persons

.81 Criteria for Reporting

.811 **Handicap Codes.** The codes in Exhibit 611.811 correspond to those appearing in Part 1, Section C of the Form 2485. The codes should be applied in determining reportable handicaps under the program; and are entered in element 37 of Form 50, as applicable.

.812 **Other Impairments.** Other impairments, not specifically listed in the handicap codes, but which are relative static and serious enough to present a placement problem, (for example, rheumatic fever, phobia of heights, and neurological conditions) should be reported under the code which most nearly describes the affected part of the anatomy (body or mind). For example, residuals of rheumatic fever affecting the heart should be reported under codes 80 or 81, depending on severity; and phobia of heights and neurological conditions, under code 91.

.82 **Checking Use of Proper Code.** The employee with responsibility for hiring must check Part 1, Section C on Form 2485 after completion by the examining physician against the designations in the exhibit, to verify that the code accurately reflects the physical limitations that the physician has put on the form. In questionable cases, the appointing officer should consult the post office medical officer or contact the examining physician for clarification. In the case of multiple disabilities, the code which describes the impairment that would most likely result in placement difficulties should be used.

Handicap Codes

Handicap	Definition/Explanation	Code
Handicap not identified	Individual does not wish to have handicap status officially recorded outside of medical records, or the individual, in the agency's judgment, has misidentified self.	01
No Handicap	No handicap of the types listed in the codes below.	04
Speech Impairments		
Severe speech malfunction or inability to speak, but has normal hearing.	Examples: defects of articulation (unclear speech sounds); stuttering; aphasia (impaired language function); laryngectomy (removal of the "voice-box")	13
Hearing Impairments		
Hard-of-Hearing	Total deafness in one ear or inability to hear ordinary conversation, correctable by a hearing aid.	15
Total deafness in both ears, with understandable speech	....	16
Total deafness in both ears, and unable to speak clearly.	....	17

Exhibit 611.811 Handicap Definitions and Codes. (p. i)

Handicap Codes

Handicap	Definition/Explanation	Code
Vision Impairments		
Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision	Restriction of the visual field to the extent that mobility is affected - "Tunnel vision"	22
Inability to read ordinary size print, not correctable by glasses	Can read oversized print or uses assisting devices such as glass or projector modifier	23
Blind in one eye		24
Blind in both eyes	No usable vision, but may have light perception	25
Absences of Extremities (missing)		
one hand		27
one arm		28
one foot		29
one leg		32
both hands or arms		33
both feet or legs		34
one hand or arm *and* one foot or leg		35
one hand or arm *and* both feet or legs		36
both hands or arms *and* one foot or leg		37
both hands or arms *and* both feet or legs		38
Nonparalytic Orthopedic Impairments Chronic pain, stiffness or weakness -	Because of chronic pain, stiffness or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body	
one or both hands		44
one or both feet		45
one or both arms		46
one or both legs		47
hip or pelvis		48
back		49
any combination of two or more parts of the body		57
Partial Paralysis	Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk. (This definition applies to the next eight handicaps listed.)	
one hand		61
one arm, any part		62
one leg, any part		63
both hands		64
both legs, any part		65
both arms, any part		66
one side of body, including one arm and one leg		67
three or more major parts of the body		68

Exhibit 611.811 Handicap Definitions and Codes. (p.2)

Handicap Codes

Handicap	Definition/Explanation	Code
Complete Paralysis	Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is a complete loss of ability to-move or use a part of the body, including arms, legs and/or trunk. (This definition applies to the next nine handicaps listed.)	
one hand		70
both hands		71
one arm		72
both arms		73
one leg		74
both legs		75
lower half of body, involving legs		76
one side of body, including one arm and one leg		77
three or more major members of the body (arms, legs)		78
Other Impairments		
Heart disease - with no limitation or restriction of activity	A history of heart problems with complete recovery	80
Heart disease - with limitation or restriction of activity		81
Convulsive disorders	Example: epilepsy	82
Blood diseases	Examples: sickle cell disease, leukemia, hemophilia, etc.	83
Diabetes - under control	With no limitation or restriction of activity	84
Diabetes - with limitation or restriction of activity	Limitation of activity due to complications such as retinitis, neuritis, etc.	85
Pulmonary or respiratory disorders	Examples: tuberculosis, emphysema, asthma, etc.	86
Kidney dysfunctioning	Example: if dialysis (use of an artificial kidney machine) is required, etc.	87
Cancer - complete recovery.	A history of cancer with complete recovery.	88
Cancer	Undergoing surgical and/or medical treatment.	89
Mental retardation	A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment. As certified by State Vocational Rehabilitation Agency under section 213.3102(t) of Schedule A.	90
Mental or emotional illness	A history of treatment for mental or emotional problems	91
Severe distortion of limbs and/or spine	Examples: dwarfism, kyphosis (severe distortion of back), etc.	92
Disfigurement of face, hands, or feet	Examples: distortion of features on skin, such as those caused by burns, gunshot, injuries, and birth defects (gross facial birth marks, club feet, ect.)	93

Exhibit 611.811 Handicap Definition and Codes. (p.3)

STANDARDS FOR FACILITY ACCESSIBILITY BY THE PHYSICALLY HANDICAPPED

UNITED STATES POSTAL SERVICE
U.S.MAIL

Handbook RE-4/Nov. 1979

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REAL ESTATE AND BUILDINGS DEPARTMENT
U.S. POSTAL SERVICE
WASHINGTON, D.C. 20260

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I. GENERAL

A. OVERVIEW

1. **Background.** This handbook establishes policies and standards for the design, construction, and alteration of U.S. Postal Service (USPS) facilities to provide ready access to, and use by, physically handicapped customers and employees. It replaces the policy established for the former Post Office Department by the General Services Administration (GSA) in applying National Standards Institute standards (ANSI A117.1-1961), to the extent required by the Architectural Barriers Act of 1968, Public Law 90-480.

2. **Purpose.** The principal reasons for issuing new policies and standards are:

a. To reflect the policies of the Postal Reorganization Act, of selectively modifying facilities designed prior to ANSI standards, in order to afford accessibility to handicapped customers and employees;

b. To reflect improvements in architectural techniques for designing barrier-free buildings and facilities, which have been made since the ANSI standards were first adopted in 1961;

c. To provide more detailed guidance than the ANSI standards, where experience has shown that more detail is needed, or would be useful;

d. To adopt standards more favorable to handicapped postal customers and employees, when the Postal Service believes that application of ANSI minimum standards would not be sufficient;

e. To realize, to the fullest extent practicable, all possible cost savings in carrying out these policies.

B. POLICY

1. **Scope.** These are minimum USPS standards for the design, construction, and alteration of buildings under Section 4a of PL 90-480, as added by Public Law 94-541. The standards apply to the design and construction of all postal facilities as follows:

a. *New Construction.* All new construction of USPS facilities, including leased and temporary buildings.

b. *Newly Leased Facilities.* All facilities leased on or after January 1, 1977, or for which the lease is renewed on or after January 1, 1977, where any feature is altered for which standards are specified here. *Note:* For the purpose of applying these standards, a lease which is *renewed* means a lease for which new or changed terms are negotiated or an entirely new agreement is made; it does not mean merely an extension of an already existing lease by exercise of an option already existing as one of the terms of the lease agreement.

c. *Existing Facilities Both Owned and Leased*

(1) The alteration of any feature of an existing postal facility for which standards are specified here, except as described in I-B-2 (*Exceptions*).

(2) Where handicapped persons are employed in existing postal facilities, or where their employment is imminent, applicable employee work areas must be altered in compliance with these standards, except as described in I-B-2.

2. **Exceptions.** Conformity with these standards is not required:

a. When minor repairs not involving alterations of the building or structure are made (for example, where the repairs do not require installation or modification of existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, public telephones, curbs, parking areas, or other construction features for which standards are specified here;

b. For alterations to features of an existing building where application of the standards is not structurally possible; or

c. For post offices in privately owned residential structures.

3. **Modifications and Waivers.** Headquarters Real Estate and Buildings (RE&B) Department may be asked to modify or waive a standard, on a case-by-care basis, when it is determined that the modification is clearly necessary.

4. Customer Service Areas. In customer service areas where any feature is required to be altered in compliance with these standards, all other features for which standards are specified here should be altered whenever possible, to provide ready access to postal services.

C. DEFINITIONS

1. Physically Handicapped. The disabled, handicapped, or persons with physical disabilities or severe physical limitations.

2. Nonambulatory Disabilities. Impairments that confine individuals to wheelchairs for all practical purposes, regardless of cause or manifestation.

3. Semiambulatory Disabilities. Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary or cardiac ills may be semiambulatory.

4. Sight Disabilities. Persons with not more than 10 percent visual acuity in the better eye with correction.

5. Hearing Disabilities. Deafness or hearing handicaps that might make an individual insecure in public areas because of being unable to hear warning signals.

6. Coordination Disabilities. Faulty coordination or palsy resulting from brain, spinal, or peripheral nerve injury.

7. Aging Disabilities. Manifestations of the aging process that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in categories 2-6.

II. EQUIPMENT CHARACTERISTICS

A. WHEELCHAIRS

1. Principal Dimensions of Hand-Propelled Wheelchairs.

See Figure 1. Dimensions for standard adult wheelchairs of virtually all manufacturers fall within the following limits, which are used as a basis for these standards (individual employees may require consultation to determine more restrictive dimensional constraints):

a. Length. 3 feet-6 inches, not including projection of feet.

b. Width, When Open. 2 feet-2½ inch average, 2 feet-8 inches maximum.

c. Height of Seat Above Floor. 1 foot-7½ inches.

d. Height of Armrest Above Floor. Up to 2 feet-5 inches normally.

e. Height of Pusher Handles (Rear) Above Floor. 2 feet-11 inches to 3 feet-4 inches, 3 feet standard.

f. Width, when collapsed. 11 inches average.

g. Height to Front Edge of Footrest. 7 inches average, to 10 inches.

h. Clearance under Heel Plate. 2¾ inches average to 7 inches.

2. Wheelchair Performance Requirements

a. The axle-pivot turning radius of a standard wheelchair is 2 feet-7½ inches. A wheel-pivot requires a turning radius of 3 feet minimum. (Figure 2.)

b. The minimum turning space required to perform a 180- or 360-degree axle-pivot is 5 feet-4 inches by 5 feet-4 inches. The minimum turning space required to perform a 180- or 360-degree wheel-pivot is 6 feet-2 inches by 6 feet-2 inches (Figure 2).

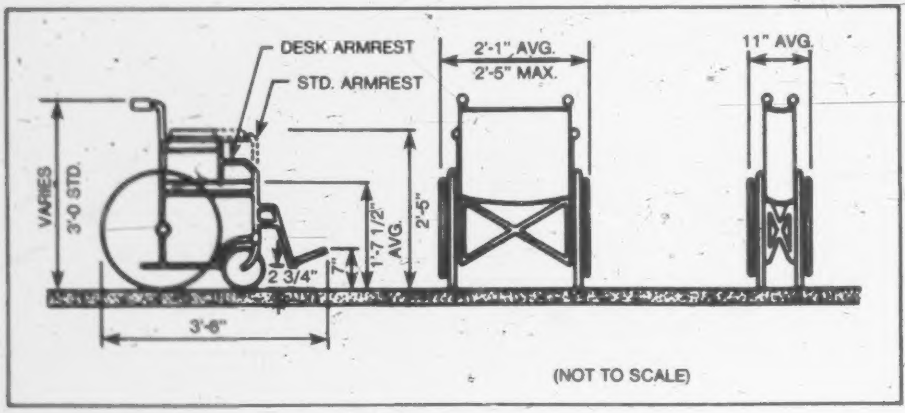


Figure 1. Wheelchair Dimensions

c. The minimum space required to perform a three-point turn and a 90-degree turn is shown in Figure 3.

d. A minimum width of 5 feet is required for two individuals in wheelchairs to pass each other.

3. Adults Functioning in Wheelchairs.

a. The average adult confined to a wheelchair can reach an unobstructed shelf 9 inches deep located a maximum of 4 feet-5 inches above the finished floor.

b. The average wheelchair-confined adult, when sitting erect at a table 2 feet-7 inches high, can easily reach forward 1 foot-9 inches; the maximum reach when leaning forward is 2 feet-9 inches.

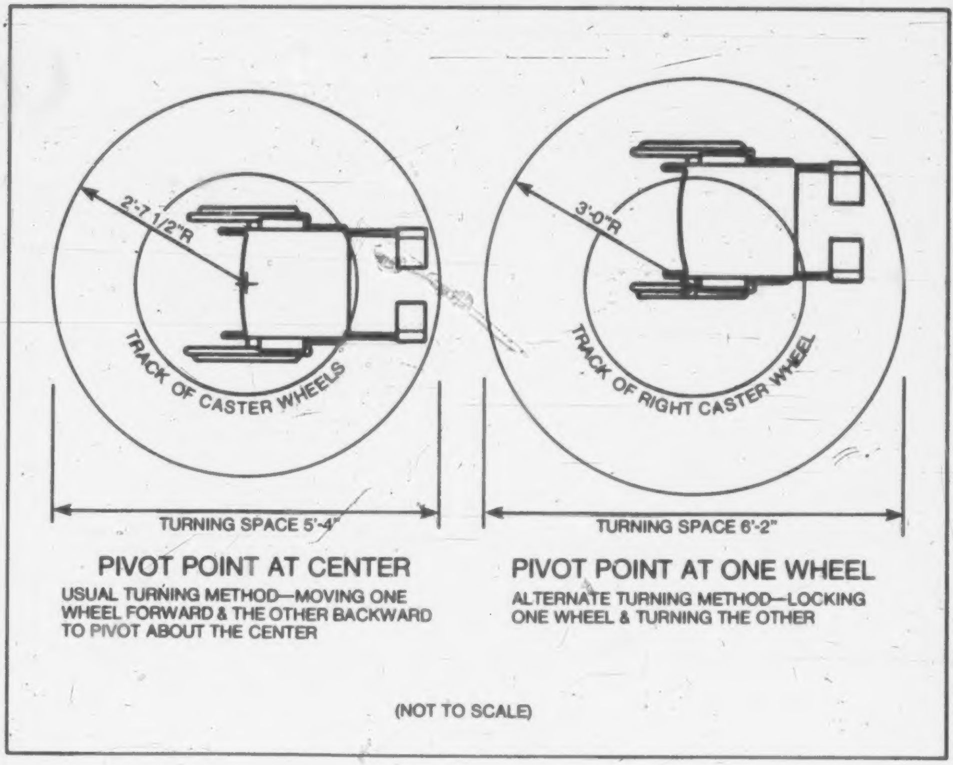

2'-7 1/2"R
TRACK OF CASTER WHEELS
TURNING SPACE 5'-4"
PIVOT POINT AT CENTER
USUAL TURNING METHOD—MOVING ONE WHEEL FORWARD & THE OTHER BACKWARD TO PIVOT ABOUT THE CENTER
3'-0"R
TRACK OF RIGHT CASTER WHEEL
TURNING SPACE 6'-2"
PIVOT POINT AT ONE WHEEL
ALTERNATE TURNING METHOD—LOCKING ONE WHEEL & TURNING THE OTHER
(NOT TO SCALE)

Figure 2. Turning Radii of Wheelchairs

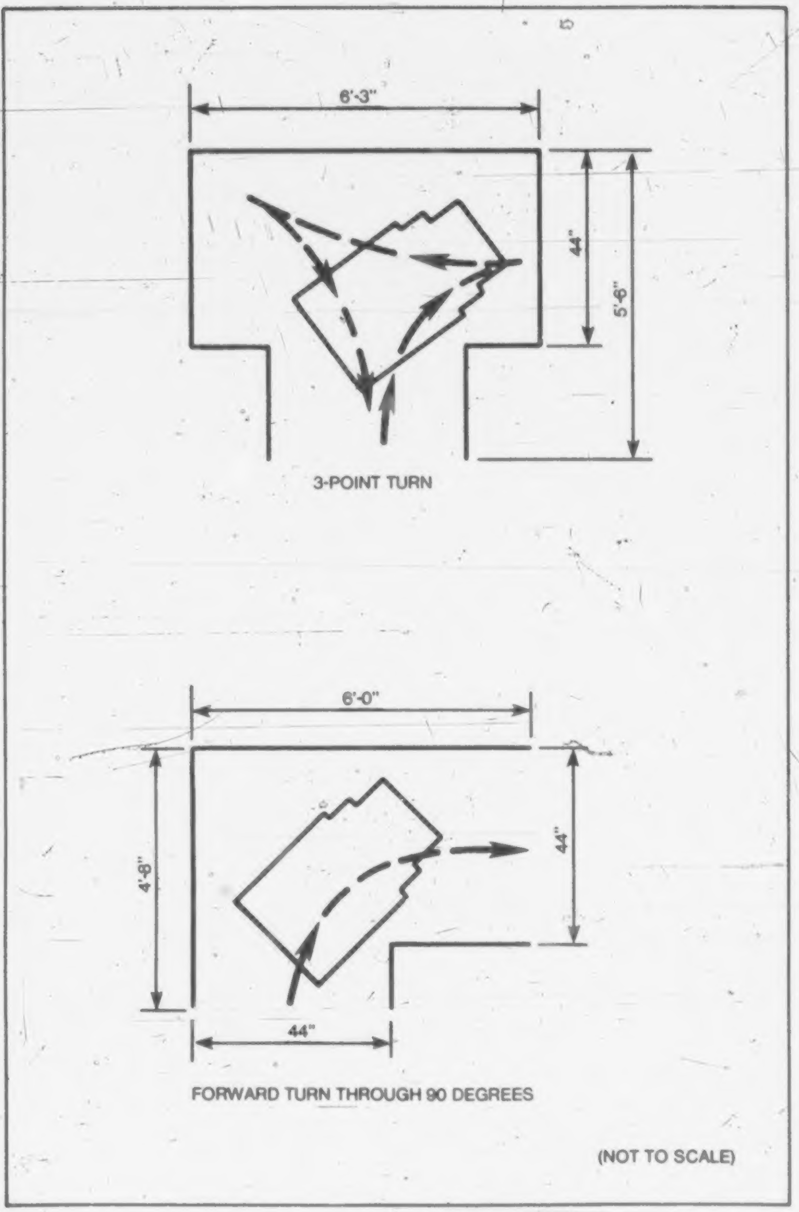

6'-3"
44"
5'-6"
3-POINT TURN
6'-0"
4'-8"
44"
44"
FORWARD TURN THROUGH 90 DEGREES
(NOT TO SCALE)

Figure 3. Space Required to Turn a Wheelchair

c. An individual reaching laterally, as would be required to use a wall-mounted telephone, wall switch, fire alarm, or towel dispenser, can operate those items if they are installed not more than 4 feet above the finished floor.

d. The reach of some handicapped individuals may fall outside the range indicated in Figure 4. The dimensions in the figure are based on the latest generally accepted averages of functionally trained individuals who vary in size and capability.

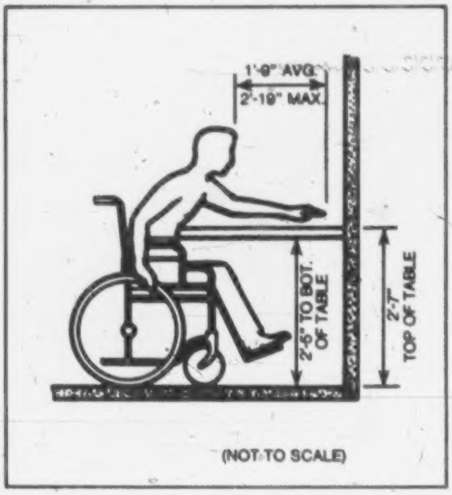


Figure 4. Average Reach of Adults in Wheelchairs

B. INDIVIDUALS ON CRUTCHES

The average adult on crutches requires 2 feet-7 inches between crutch tips. Tall adults may require up to 3 feet-1 inch between crutch tips (Figure 5).

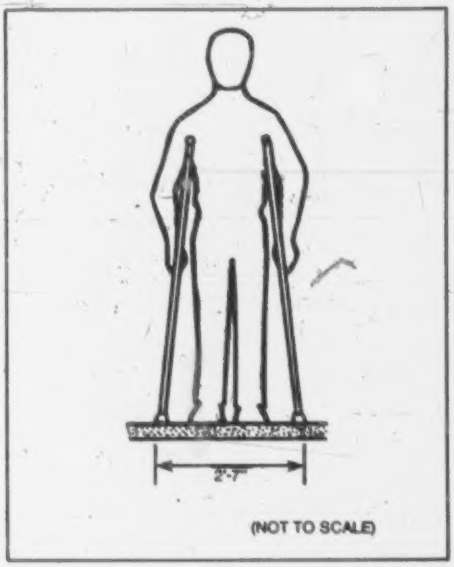


Figure 5. Average Space Required Between Crutches

III. EXTERIOR SITE REQUIREMENTS

A. PARKING

1. Vehicle parking must be provided closest to, and not more than 200 feet from, the building entrances accessible to the handicapped. Designate a minimum of 4 percent of the public parking area—or one parking space, whichever is greater—and 1 percent of the employee parking area—or one parking space, whichever is greater—for use by the handicapped. Parking spaces so designated are identified for use by the handicapped by signs which include the international symbol for the handicapped.

2. Such parking spaces must provide an open area on at least one side so that an individual can maneuver a wheelchair, crutches, or braces while entering or leaving a vehicle. Each space must be at least 13 feet wide and have a level surface free of protrusions, bumpers, or other irregularities (Figure 6).

3. Individuals in wheelchairs or on crutches or braces must not be forced to pass behind parked cars to reach walks or entrances.

4. A sloping accessway—either a curb cut or a ramp—from the parking lot to an adjoining level walkway, must be provided as follows:

a. *Curb cuts* must be 4 feet wide plus flared and sloped sides. The gradient of the cut surface must not exceed 1:12 (Figure 7). The surface of curb cuts must have nonslip tactile striping placed parallel to the centerline of the curb cuts, to act as a warning to blind people.

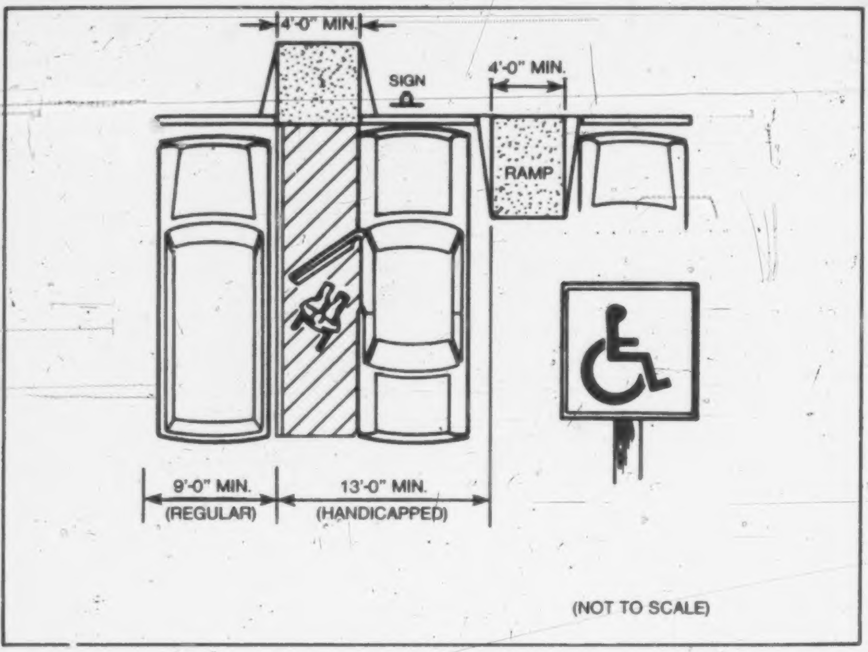


Figure 6. Typical Arrangement of Parking for the Handicapped and International Symbol for the Handicapped

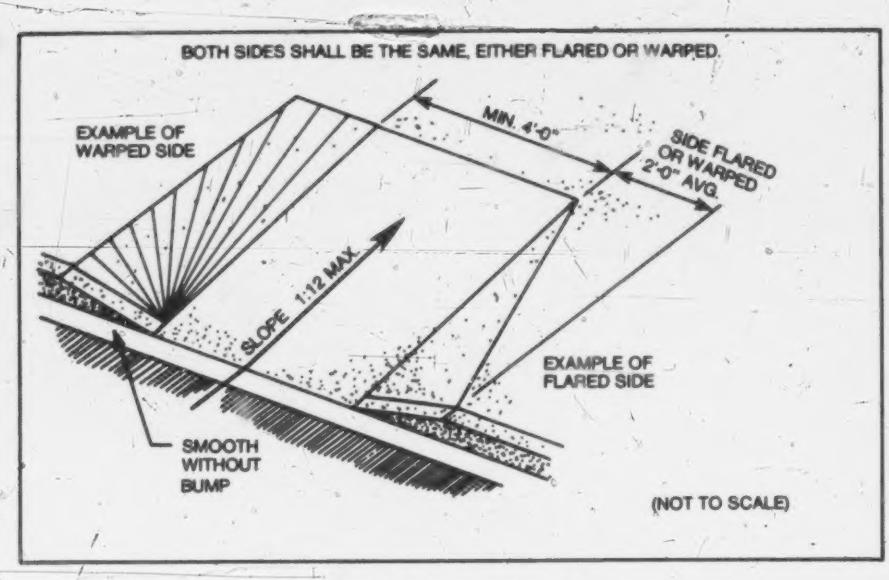


Figure 7. Typical Curb Cuts

b. *Ramps* may be installed as an alternative to curb cuts. They must meet the requirements of III-C, except that handrails are not required for curb ramps up to 8 inches in rise.

5. If pollards are used to separate automobile and pedestrian traffic, the space between pollards should be at least 3 feet.

B. WALKS

1. Public walks must be a minimum of 4 feet wide, or in compliance with local building codes, whichever is greater, and must have a cross-gradient not exceeding 1/8 inch per foot. The longitudinal gradient of walks must not exceed 1:20 and must provide for level platforms as described in III-C-5.

2. Walks must have a continuing common surface with no interruptions for steps and no abrupt changes in level greater than ¼ inch.

3. Walks that cross other walks, driveways, or parking lots must blend to a common level platform.

4. Walks must have a platform at least 5 feet by 5 feet adjacent to doors which swing onto the platform or toward the walk. This platform must extend at least 18 inches on the strike side and 6 inches on the hinge side of the doorway.

5. Walks must have a platform at least 3 feet deep by 5 feet wide adjacent to doors which do not swing onto the platform or toward the walk. This platform must extend at least 1 foot beyond each side of the doorway.

6. Avoid expansion joints and gratings to the greatest possible extent in walkways and ramps traversed by the handicapped. When grates must be installed, no opening may be greater than 3/8 inch wide and 2 inches long. Slots and rectangular openings in gratings must be diagonal or patterned with the longest dimension perpendicular to the path of travel. Traffic surfaces of all expansion joints and grates must be of coarsely textured non-slip finish.

C. RAMPS

1. Provide ramps in lieu of steps for use by the physically handicapped. A ramp is a sloping accessway, with a gradient steeper than 1:20, that is used for movement from one level to another without obstructions. Under no circumstances may a ramp gradient exceed 1:12. Ramps may lead to a building or between levels within or outside a building.

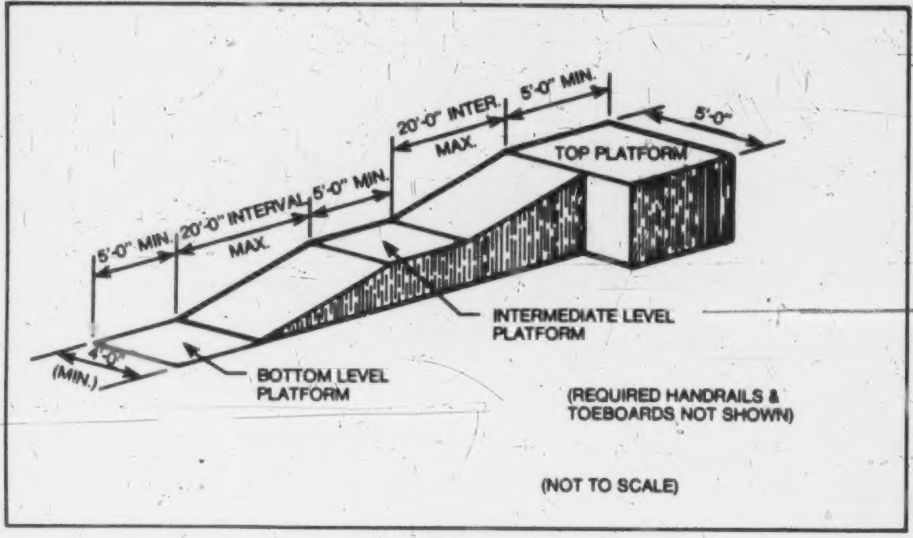

5'-0" MIN.
20'-0" INTER.
MAX.
5'-0"
TOP PLATFORM
5'-0" MIN.
20'-0" INTERVAL
MAX.
5'-0" MIN.
INTERMEDIATE LEVEL
PLATFORM
4'-0"
(MIN.)
BOTTOM LEVEL
PLATFORM
(REQUIRED HANDRAILS &
TOEBOARDS NOT SHOWN)
(NOT TO SCALE)

Figure 8. Typical Straight Ramp

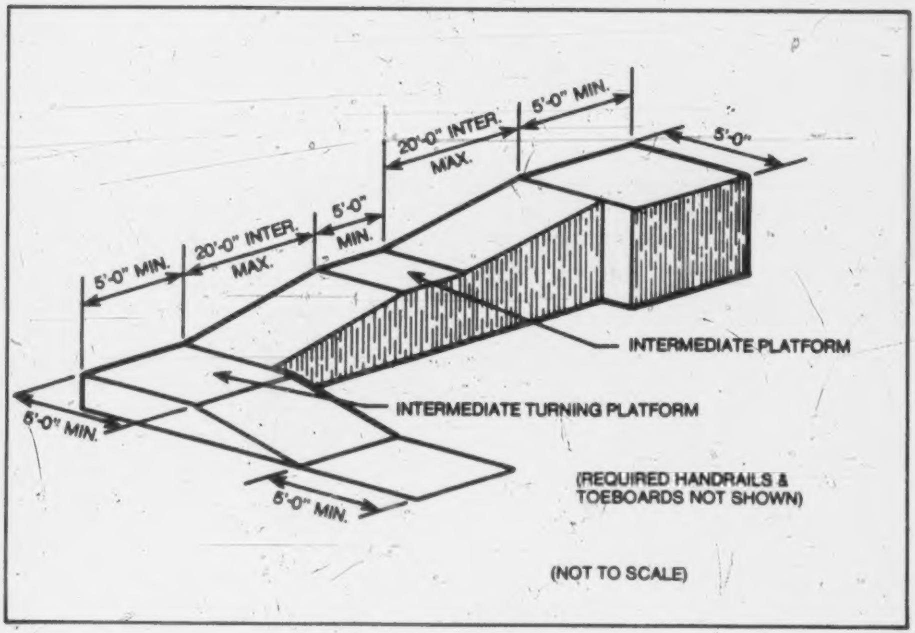

5'-0" MIN.
20'-0" INTER.
MAX.
5'-0"
5'-0" MIN.
20'-0" INTER.
MAX.
5'-0"
MIN.
INTERMEDIATE PLATFORM
INTERMEDIATE TURNING PLATFORM
5'-0" MIN.
5'-0" MIN.
(REQUIRED HANDRAILS &
TOEBOARDS NOT SHOWN)
(NOT TO SCALE)

Figure 9. Typical Ramp with Turn

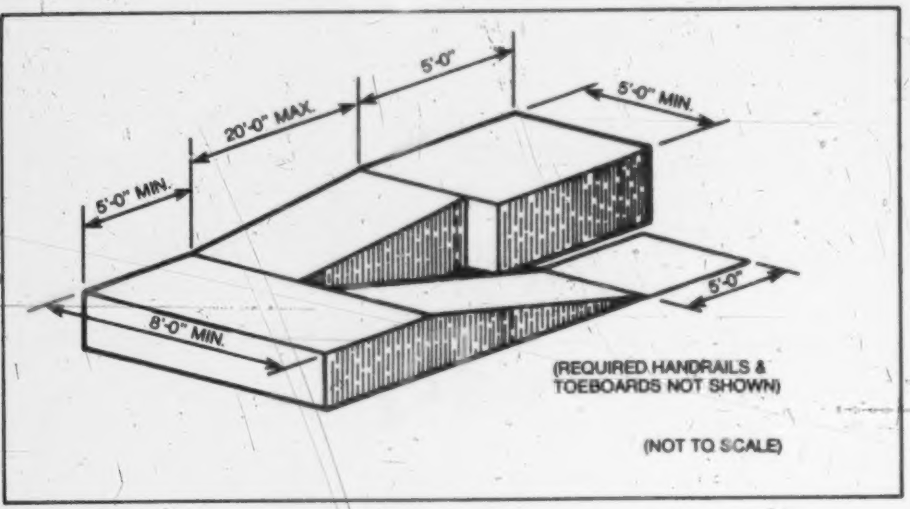


Figure 10. Typical Ramp with Switch-Back Platform

2. Provide ramps with slip resistant surfaces, i.e., coarse broom finish, troweled in metallic grit, etc.

3. Ramps must have a level platform at the top and bottom measuring 5 feet by 5 feet minimum. The platform must extend at least 18 inches on the strike side and 6 inches on the hinge side of the doorway.

4. Ramps must be at least 4 feet wide.

5. Ramps must have level platforms 5 feet long at 20-foot intervals for rest and safety, and have level platforms at all turns (Figure 9).

6. Intermediate platforms on switch-back ramps must be the full width of the double ramp and 5 feet deep (Figure 10).

7. All exterior ramps must be designed for ease of maintenance and for the prevention of snow or ice buildup. All elevated ramps and level platforms must have 4-inch-high toeboards with 1/4 inch maximum clearance above floor level and handrails as described in III-C-8.

8. Each ramp designed for use by the physically handicapped must be provided with a handrail on both sides.

a. Provide handrails 2 feet-8 inches to 2 feet-10 inches from the surface of the ramp. Where other applicable codes or regulations require handrails at heights greater than 2 feet-10 inches, provide auxiliary handrails 2 feet-8 inches above the surface of the ramp. A 1½-inch clearance between handrails and walls or other obstructions must be provided. (Figure 11).

b. Handrails must be smooth, continuous, free of protrusions, and of a size and shape to permit a firm and comfortable grasp. They must withstand a 250-pound force applied in any direction at any point on the top rail (Figure 12).

c. Handrails must extend a minimum of 1 foot beyond the top and bottom of the ramp and terminate at an anchor post or into a wall anchor (Figure 13).

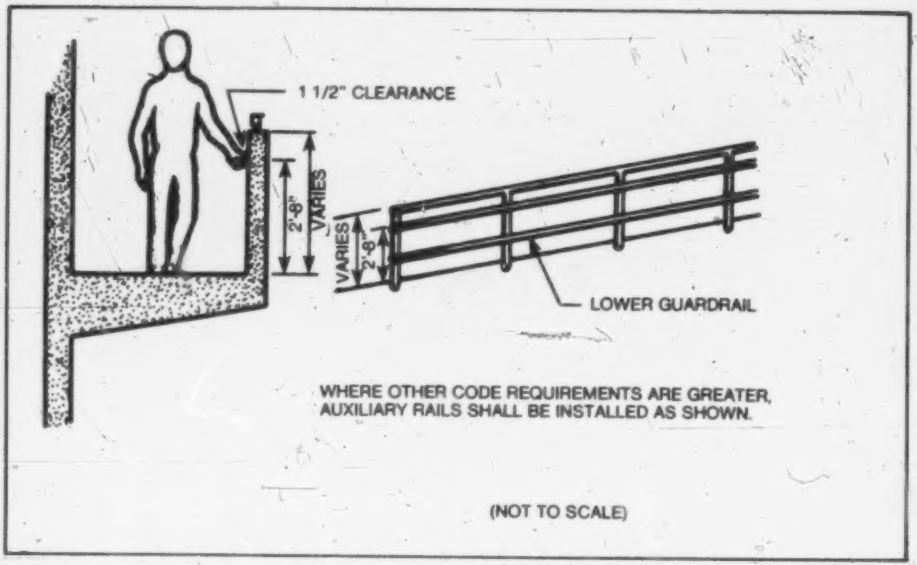

1 1/2" CLEARANCE
2'-8"
VARIES
VARIES
2'-8"
LOWER GUARDRAIL
WHERE OTHER CODE REQUIREMENTS ARE GREATER, AUXILIARY RAILS SHALL BE INSTALLED AS SHOWN.
(NOT TO SCALE)

Figure 11. Recommended Locations for Installation of Handrails for the Handicapped

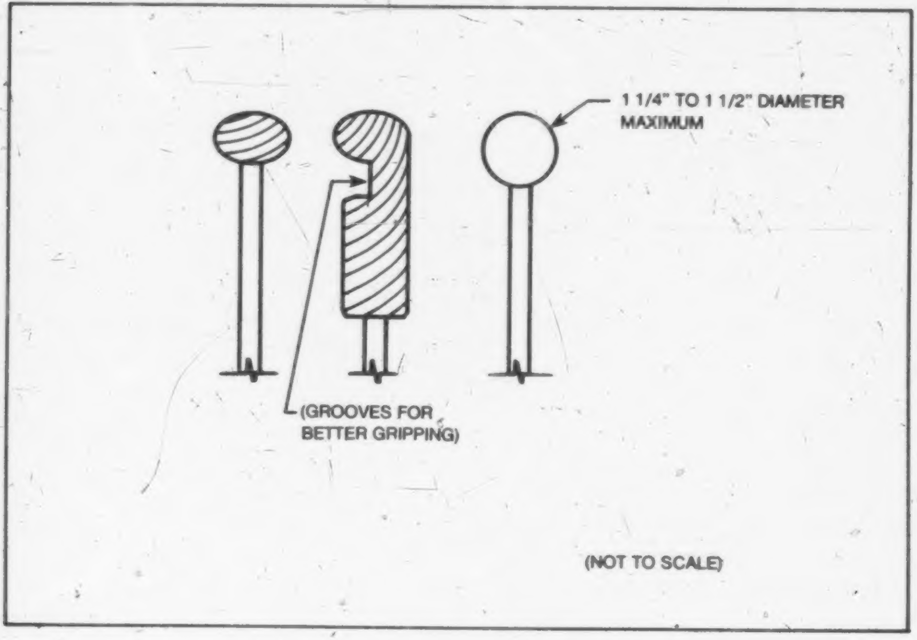

1 1/4" TO 1 1/2" DIAMETER MAXIMUM
(GROOVES FOR BETTER GRIPPING)
(NOT TO SCALE)

Figure 12. Typical Acceptable Handrails

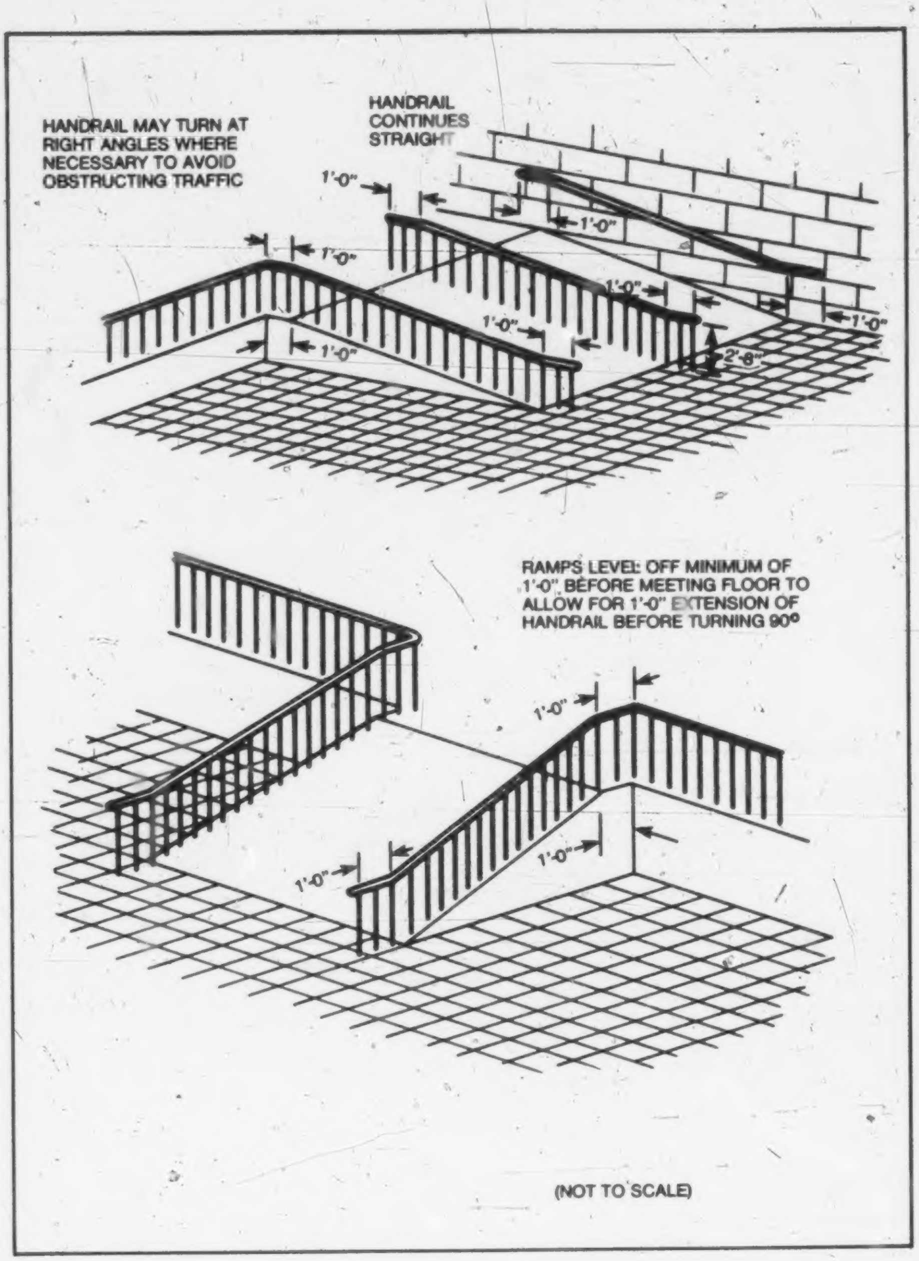

HANDRAIL MAY TURN AT RIGHT ANGLES WHERE NECESSARY TO AVOID OBSTRUCTING TRAFFIC
HANDRAIL CONTINUES STRAIGHT
1'-0"
1'-0"
1'-0"
1'-0"
1'-0"
1'-0"
1'-0"
2'-8"
RAMPS LEVEL OFF MINIMUM OF 1'-0" BEFORE MEETING FLOOR TO ALLOW FOR 1'-0" EXTENSION OF HANDRAIL BEFORE TURNING 90°
1'-0"
1'-0"
1'-0"
(NOT TO SCALE)

Figure 13. Typical Methods of Extending Handrails at the Top and Bottom of Ramps

IV. BUILDING AND INTERIOR REQUIREMENTS

A. ENTRANCES.

1. At least one primary entrance to each building must be usable by the handicapped. Because entrances also serve as exits, particularly in case of an emergency, and the proximity of such exits to all parts of buildings and facilities is essential, it is preferable that all or most entrances and exits be accessible to and usable by individuals in wheelchairs and individuals with other handicaps.

2. At least one entrance available to individuals in wheelchairs must be on a level that will make the interior ramps and elevators accessible.

3. Entrance areas must be slip resistant and continuous.

4. Where grates for snow or sand traps are used, the maximum grate opening may not exceed 3/8 inch by 3/8 inch. (See Figure 14.)

5. A minimum of 6 feet-6 inches from the face of one set of doors to the face of another set of doors within vestibules must be provided (Figure 15).

6. Exterior thresholds and doormats must have ramped edges with no abrupt change greater than 1/4 inch. A smooth transition through the doorway is preferred.

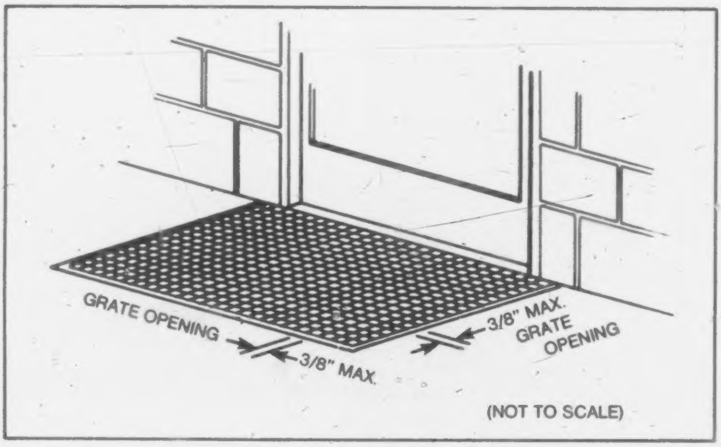
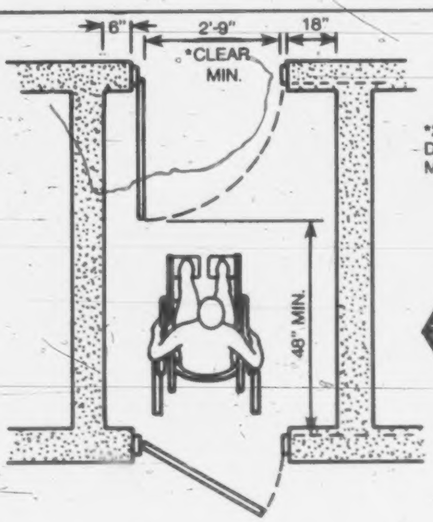


Figure 14. Typical Entryway Sand Traps



*2'-8" CLEAR OPENING IN EXISTING DOORWAYS WILL NOT REQUIRE MODIFICATION.

48" SPACE IS NECESSARY TO ALLOW BACKING & TURNING SPACE FOR A WHEELCHAIR TO CLEAR THE INSWINGING DOOR

(NOT TO SCALE)

Figure 15. Minimum Clearance Required in Vestibules

B. DOORS, DOORWAYS, AND FIRE EXITS

1. New Facilities.

The following standards apply to exterior doors, vestibule doors used in conjunction with exterior doors, interior doors in customer service areas, and interior doors in employee work areas, locker rooms, toilet rooms, and other areas which provide access for physically handicapped persons:

a. The doors must have a 2 foot-9 inch clear opening when measured with the door opened 90 degrees, and must be operable by a single effort not exceeding an 8-foot-pound force. The opening must be reduced by stops, hardware, or other appliances. Closing devices must be field adjustable.

b. Give careful consideration to wind forces, building pressures, frequency of operation, and the size of the facility in selecting the type of door to be used. Power operated doors, balanced doors, or side hung doors meeting the above criteria may be used.

2. Existing Facilities.

When exterior, vestibule, or interior doors are altered in currently operating facilities, they must comply with the requirements of IV-B-1, except that the minimum clear opening can be 2 feet-8 inches, when measured with the door opened 90 degrees. The clear opening may not be reduced by thickness of the door, or by stops, hardware, or other appliances.

3. All Facilities

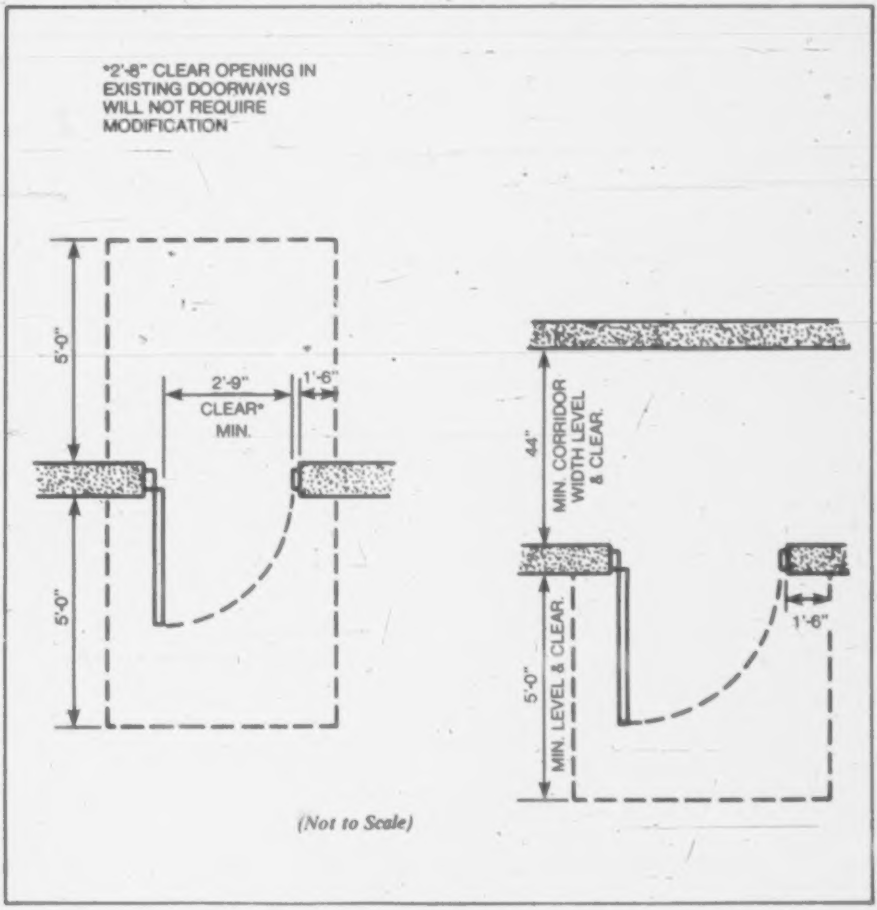
a. *Floors.* The floor adjacent to each exterior doorway must be level and clear for a distance of 5 feet from the door in the direction of the door swings, and must extend 18 inches beyond the strike side of the door (Figure 16).

b. *Thresholds.* Avoid sharp inclines and abrupt changes in level at door sills. Interior thresholds except toilet rooms must be flush with the floor. Exterior and toilet room thresholds or door mats must have ramped edges with no abrupt change greater than 1/4 inch. Smooth transitions through doorways are preferred.

c. *Paired Doors.* The active leaf of paired doors must operate by a single effort and have a 2 foot-9 inch clear opening, or both leaves may operate automatically together in the same direction.

d. *Closers.* When door closers are used, the maximum pressure required to operate the door must not exceed 8 pounds. Use time-delay or motor-assist door closers providing a 5-second delay at entrances and major interior doorways when feasible.

e. *Corridor Doors.* Provide entry doors that open off of, but not into, a corridor, with a minimum level floor area of 3 feet-8 inches on the corridor side (Figure 16).



*2'-8" CLEAR OPENING IN EXISTING DOORWAYS WILL NOT REQUIRE MODIFICATION

(Not to Scale)

Figure 16. Typical Entrance Requirements

f. *Hardware.* Provide latching or nonlatching door hardware, operable with one hand and not requiring wrist action or finger grip. There must be a minimum clearance of 1½ inches between the edge of the operating hardware and the adjacent door stop. Provide a 10-inch high kick plate of a durable material compatible with doors and finish hardware.

g. *Handles/Knobs.* Position the centerline of door handles or knobs a maximum of 38 inches from the floor (36-inch height is preferred).

h. *Vision Panels.* Provide wire glass transparent vision panels in corridor doors. When installed, they must be not less than 6 inches wide, and be located with the bottom edge not more than 3 feet-4 inches above the finished floor. Vision panels are not required in toilet rooms, office, or utility room doors.

i. *Identification.* For identifying doors and areas hazardous for the blind, see IV-D-3b (page 20).

C. LOBBIES

1. Walls and Partitions

a. All fixed partitions must be installed so as to withstand a 250-pound force applied at any point and from any direction. Avoid nonfixed partitions as much as possible in circulation routes of the physically handicapped.

b. Walls where handrails are provided for the handicapped must be capable of supporting handrails designed to support a 250-pound pull force in any direction.

2. Windows. In addition to the protective safety railings required by OSHA regulations, all floor-to-ceiling windows must be provided with a 10-inch-high protective grille or toeboard to prevent wheelchair foot rests from striking exposed glass.

3. Floors

a. Floors must have slip resistant surfaces.

b. Floors on a given story must either be of a common level throughout or be connected by a pedestrian ramp. (See III-C.)

4. Lobby Desks

a. Provide a minimum of one writing desk or table with seat for the handicapped in the lobby. The writing surface must not exceed 2 feet-8 inches above the floor and must have a knee clearance height of not less than 2 feet-5 inches. Knee holes must measure at least 2 feet-6 inches wide by 2 feet deep.

b. Provide a clear passageway of not less than 4 feet wide from the front edge of customer service counters to any wall, fixed object, or other furnishings, to permit maneuvering of a wheelchair.

c. Provide self-service letter drops at not more than 4 feet-6 inches above the floor.

5. Public Telephones.

a. If telephones are installed in the lobby, at least one public telephone for use by the handicapped must be installed in each bank of phones in the customer service area.

b. Open wall-type telephones must be installed to allow an approach parallel to the wall with a wheelchair to the face of the telephone.

c. Telephones for use by the handicapped must be installed so that all mechanisms—e.g., coin slots, dial, pushbuttons, and handset—will be no more than 4 feet above the finished floor.

d. Instruct the servicing telephone company to provide handsets with adjustable volume control and appropriate instructions for use. Telephone receivers should generate a magnetic field in the area of the receiver cap which is useful to persons wearing hearing aids.

e. Instructions for using the telephone must be in raised or recessed letters on a background of contrasting color. (Instructions may also be provided in braille.)

f. Handset telephone cords must be a minimum of 32 inches long.

g. Provide a shelf 2 feet-6 inches above the floor beneath each telephone designated for use by the handicapped.

h. Telephones installed for use by the handicapped must not be installed in deep alcoves which would prohibit close parallel approach in a wheelchair.

6. Self-Service Postal Centers

a. Parcel post depositories, stamp vending machines, multicommodity vending machines, and currency-coin changing machines must be installed so that the operating mechanisms of all machines is no

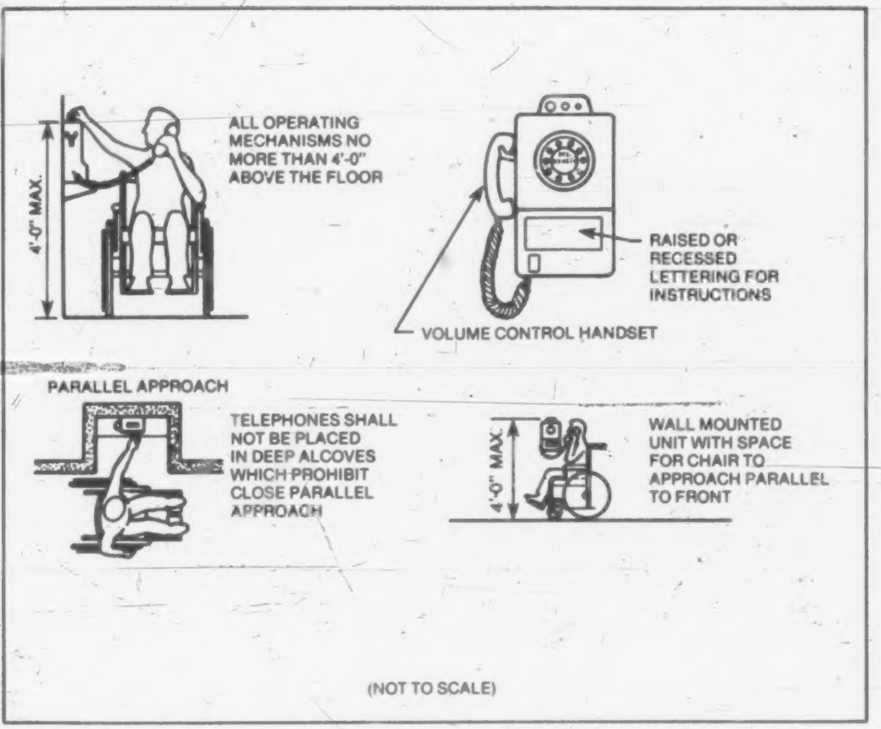

4'-0" MAX.
ALL OPERATING MECHANISMS NO MORE THAN 4'-0" ABOVE THE FLOOR
RAISED OR RECESSED LETTERING FOR INSTRUCTIONS
VOLUME CONTROL HANDSET
PARALLEL APPROACH
TELEPHONES SHALL NOT BE PLACED IN DEEP ALCOVES WHICH PROHIBIT CLOSE PARALLEL APPROACH
4'-0" MAX.
WALL MOUNTED UNIT WITH SPACE FOR CHAIR TO APPROACH PARALLEL TO FRONT
(NOT TO SCALE)

Figure 17. Typical Requirements for Telephones Used by the Handicapped

more than 54 inches above the finished floor. The preferred height is 48 inches.

b. All mechanisms must be installed to provide for close parallel approach with a wheelchair.

7. Lighting.

Provide a minimum of 30-footcandle lighting at 2 feet-6 inches above the finished floor for general lobby areas. Lighting levels in general circulation areas must also be a minimum of 30 footcandles. Provide a minimum of 80 footcandles at all counters.

8. Lockboxes

a. At least 5 percent of the lockboxes must be accessible to individuals functioning in wheelchairs. These lockboxes must include each of the five standard sizes of USPS lockboxes.

b. Lockboxes for the handicapped must be located in the second or third set of modules from the floor, approximately 1-foot 10 inches to 3 feet 10 inches above the finished floor.

c. Aisles between lockboxes must be a minimum of 5 feet-6 inches wide.

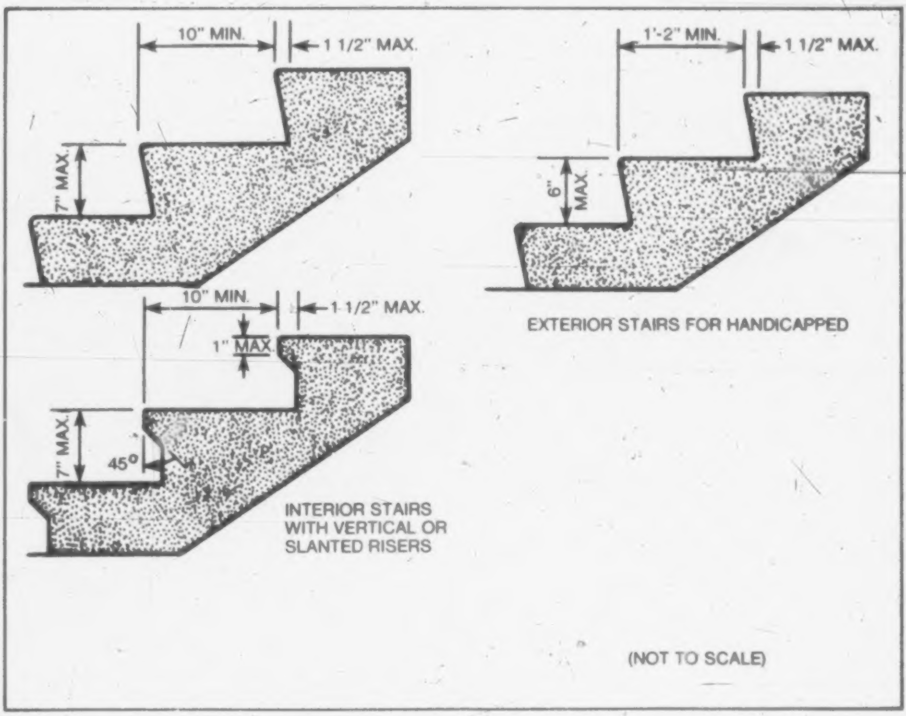

10" MIN.
1 1/2" MAX.
7" MAX.
1'-2" MIN.
1 1/2" MAX.
6" MAX.
EXTERIOR STAIRS FOR HANDICAPPED
10" MIN.
1 1/2" MAX.
1" MAX.
7" MAX.
45°
INTERIOR STAIRS WITH VERTICAL OR SLANTED RISERS
(NOT TO SCALE)

Figure 18. Typical Examples of Accessible Stairs

D. OFFICE AREAS

1. Stairways

a. Stairs for use by the handicapped must have handrails 2 feet-8 inches to 2 feet-10 inches high as measured from the top surface of the tread at the face of the nosing to the top surface of the handrail. When codes specify handrails to be at heights greater than 2 feet-10 inches, auxiliary handrails must be provided at a height of 2 feet-8 inches. Provide a minimum clearance of 1½ inches between the handrail and the wall. Handrail diameters must be 1¼ inch to 1½ inch.

b. Stairs must have handrails on both sides which are terminated into a wall or anchor post. On at least one side the handrail must extend 18 inches beyond the top step and beyond the bottom step.

c. Interior stairs must comply with existing tread and riser formulas, with risers no more than 7 inches and treads no less than 10 inches.

d. Exterior stairs must have risers no more than 6 inches and treads no less than 1 foot-2 inches deep.

e. Risers must be sloped. Overhanging tread nosings, if used, must be beveled to prevent an individual's hooking a toe under the nosing.

f. To aid persons with sight disabilities, provide contrasting colors for the full length and at the top of each step nosing.

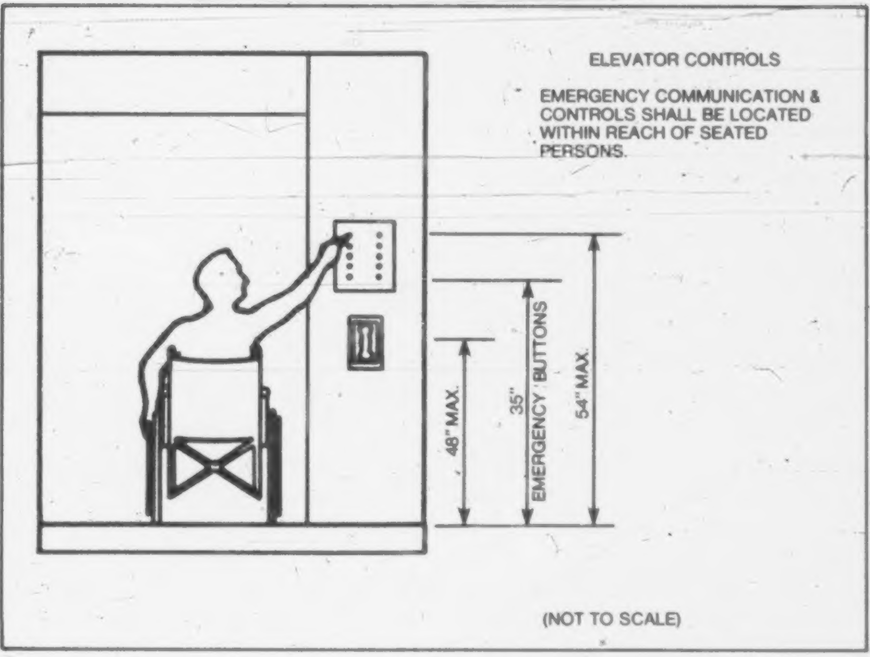

ELEVATOR CONTROLS
EMERGENCY COMMUNICATION & CONTROLS SHALL BE LOCATED WITHIN REACH OF SEATED PERSONS.
48" MAX.
35" EMERGENCY BUTTONS
54" MAX.
(NOT TO SCALE)

Figure 19. Typical Location of Elevator Controls and Emergency Telephone

2. Elevators

a. Elevators must be installed in multi-story buildings and must have at least one self-service passenger, or freight and passenger, elevator that is accessible to and usable by the physically handicapped. The elevator must be accessible from the level on which handicapped persons enter the building.

b. Elevators for passengers or passengers and freight must conform to the *Suggested Minimum Passenger Elevator Requirements for the Handicapped* developed by the National Elevator Industry Inc. in compliance with the ANSI A17.1 Safety Code for Elevators.

c. Elevator cabs must have minimum unobstructed floor areas measuring not less than 5 feet-8 inches by 4 feet 3 inches.

d. Elevators must be self leveling with each floor within a tolerance of 1/2 inch above or below any given floor.

e. Elevator entrances and doors must provide not less than 3 feet horizontal clear space when fully opened.

f. Elevator doors must operate automatically and be furnished with a suitable time-delay door closer to permit an unhurried exit by a person on crutches or in a wheelchair.

g. Controls must be readily accessible from a wheelchair upon entering an elevator. Hallway call buttons must be 42 inches, nominally, from the floor. The highest floor control push buttons in the elevator may be no higher from the floor than 54 inches. The center line of the alarm button and emergency stop switch must be at a nominal 35 inches. A telephone must be provided that is located a maximum of 48 inches above the floor with a minimum 36 inch cord length.

h. Hall signals must be visual and audible. Audible signals must sound once for up and twice for the down direction.

3. Identification

a. Use raised or incised letters and numbers to identify rooms and offices in those areas where blind or other visually handicapped persons may be expected to require access, such as public areas and office areas. The room or office identification must be installed at a consistent height: 5 feet plus or minus 6 inches above the finished floor. Place

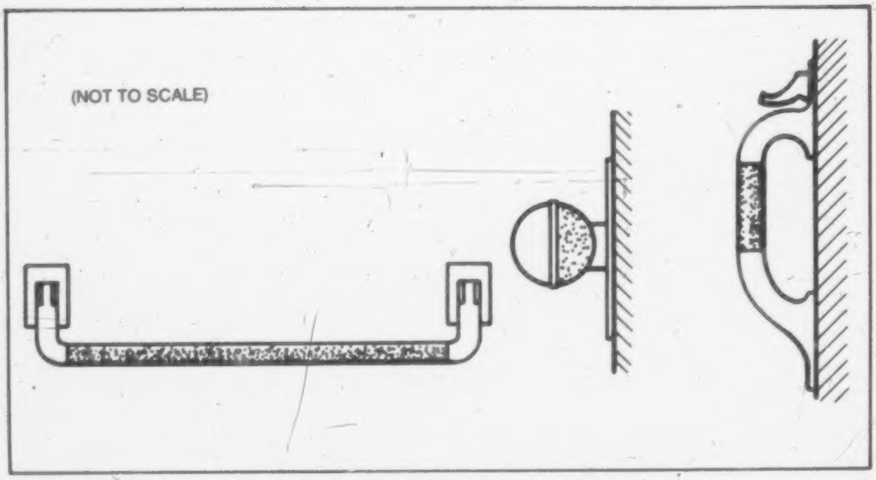


Figure 20. Textured Door Handles and Knobs

identification adjacent to the entryway and consistently installed on either the right or left side of the door. Incised letters must be at least 1 inch high and 1/32 inch deep. Raised letters must be at least 5/8 inch high and raised 1/64 inch.

b. Doors that are not intended for normal use, or those which open into areas that may prove hazardous or dangerous to a blind person entering or exiting through them, must be made quickly identifiable to the touch by texturing the door handle or knob (Figure 20). The type of texturing must be uniform throughout the facility.

E. REQUIRED EMPLOYEE FACILITIES

1. Toilet Rooms

a. Toilet rooms must have space to allow traffic by individuals in wheelchairs, in accordance with wheelchair specifications.

b. Toilet rooms must have at least one toilet stall, lavatory, etc., on each floor for each sex, contiguous with locker rooms, workrooms, and office areas, conforming to the following requirements:

(1) Inside dimensions–5 feet by 5 feet.

(2) An outwardly swinging door that provides a minimum clear opening of 2 feet-10 inches when the door is opened 90 degrees. (The thickness of the door or stops, hardware, or related appliances must not be included in the 2 foot-10 inch clear opening.)

(3) Door opening–diagonally opposite the water closet (Figures 21 and 22).

(4) Water closet–wall-mounted and installed on a centerline located 1 foot-3 inches from the side wall at a height so that the top of the vitreous rim is 17 inches to 19 inches above the finished floor. (It may be installed on either the right or left side of the stall.)

(5) Water closet flush valve handle–positioned on the open side of the water closet (the side opposite the adjacent side wall).

(6) Side wall or panel of the stall adjacent to the water closet–both wall and ceiling supported so as to repeatedly withstand a sideward or downward force of 250 pounds.

(7) Side panel–properly reinforced internally to support a grab bar to which a 250-pound force can be applied without noticeable deflection.

(8) A 1¼ to 1½ inch diameter grab bar extending from the rear wall to 1 foot 6 inches in front of the fixture, securely mounted to the side panel adjacent to the water closet. The bar must (a) be installed 2 feet-9 inches above the finished floor, (b) provide a 1½-inch clearance between the bar and the panel, and (c) have a means for attachment to the panel at each end and at the midpoint.

(9) A 1¼ to 1½-inch-diameter by 4-foot grab bar of similar design, attached to the rear wall of the toilet stall at 2-feet-9 inches above the finished floor.

(10) Grab bars and mounting brackets–free of all burrs, protrusions, or other abnormalities that may be injurious to the hands.

(11) All dispensers and disposals common to other toilet stalls in the toilet room. (Maximum height to operating mechanisms–48 inches.)

(12) Floor area in front of the toilet stall–not less than 3 feet-6 inches by the width of the stall and free of all obstructions.

c. Lavatories for use by individuals in wheelchairs must be wall mounted with a minimum clearance of 2 feet-5 inches from the finished floor to the bottom of the apron. The height from the finished floor to the top of the rim of the lavatory must be 2 feet-8 inches to 2 feet-10 inches (Figure 23).

d. Exposed plumbing on the underside of lavatories for use by the handicapped must be insulated. Provide single-lever or wrist-blade type handles on faucets. Water faucets requiring wrist action to operate are not acceptable.

e. Mirrors installed above lavatories used by individuals in wheelchairs must be mounted as low as possible. At no time may the bottom of the mirror be higher than 3 feet 2 inches above the floor.

f. Urinals for use by the handicapped must be wall-mounted, with the top of the rim 1 foot-3 inches from the floor (Figure 24).

g. Toilet rooms must have a minimum of one towel rack, one towel dispenser, and one of any other dispensers and disposal units mounted no higher than 3 feet-4 inches from the floor to the coin slot and dispenser discharge opening (Figure 25).

2. Water Fountains

A minimum of one easily accessible water fountain must be provided near each work area where handicapped individuals are employed. All newly replaced water fountains must conform to the following standards:

a. The fountain must have up-front spout and controls, and be hand operated by a single lever control.

b. If a single fountain is used, the height must be a maximum of 2 feet-10 inches above the floor.

c. A clear space of 2 feet-5 inches must be provided beneath the basin if side approach by wheelchair is not possible.

d. Side accessible fountains installed in alcoves must have a clearance of not less than 1 foot-8 inches on either side of the water outlet. The total alcove width must be not less than 5 feet.

e. Fountains may not be located in a narrow alcove which prevents close approach by a wheelchair.

3. Locker Rooms

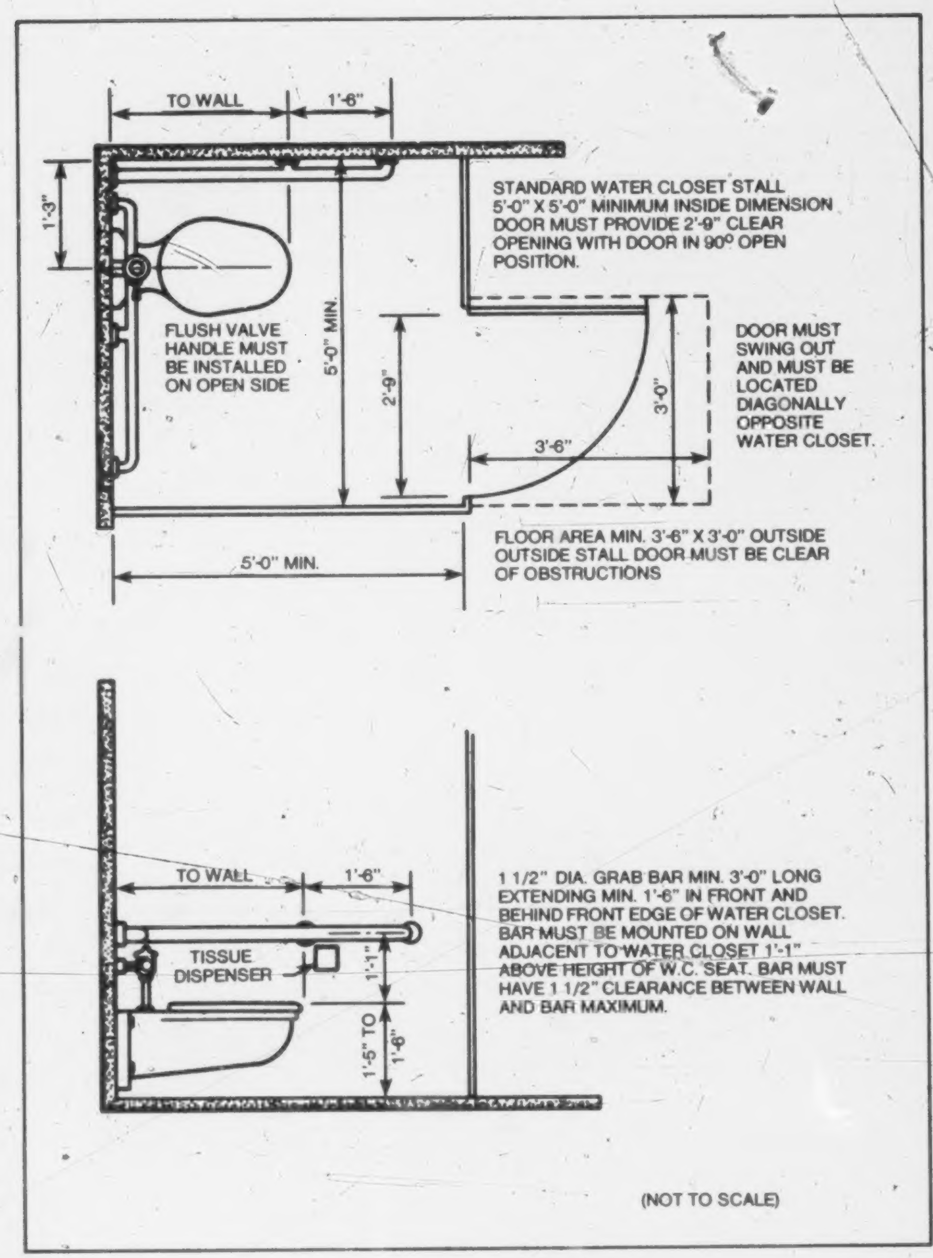
a. Provide lockers in easily accessible areas for use by handicapped individuals.

b. When double-tier lockers are used, only the bottom row of lockers may be assigned for use by persons in wheelchairs.

c. When full-length lockers are used, all hooks, shelves, etc. intended for use by individuals in wheelchairs must be located no more than 4 feet above the finished floor.

d. Lockers intended for use by the handicapped must be equipped with latches and latch handles that can be operated without wrist action or finger manipulation.

e. Unobstructed aisle space in front of lockers used by the handicapped must be a minimum of 3 feet-6 inches wide.


TO WALL
1'-6"
1'-3"
FLUSH VALVE HANDLE MUST BE INSTALLED ON OPEN SIDE
5'-0" MIN.
2'-9"
3'-0"
3'-6"
5'-0" MIN.
TO WALL
1'-6"
TISSUE DISPENSER
1'-1"
1'-5" TO 1'-8"
(NOT TO SCALE)

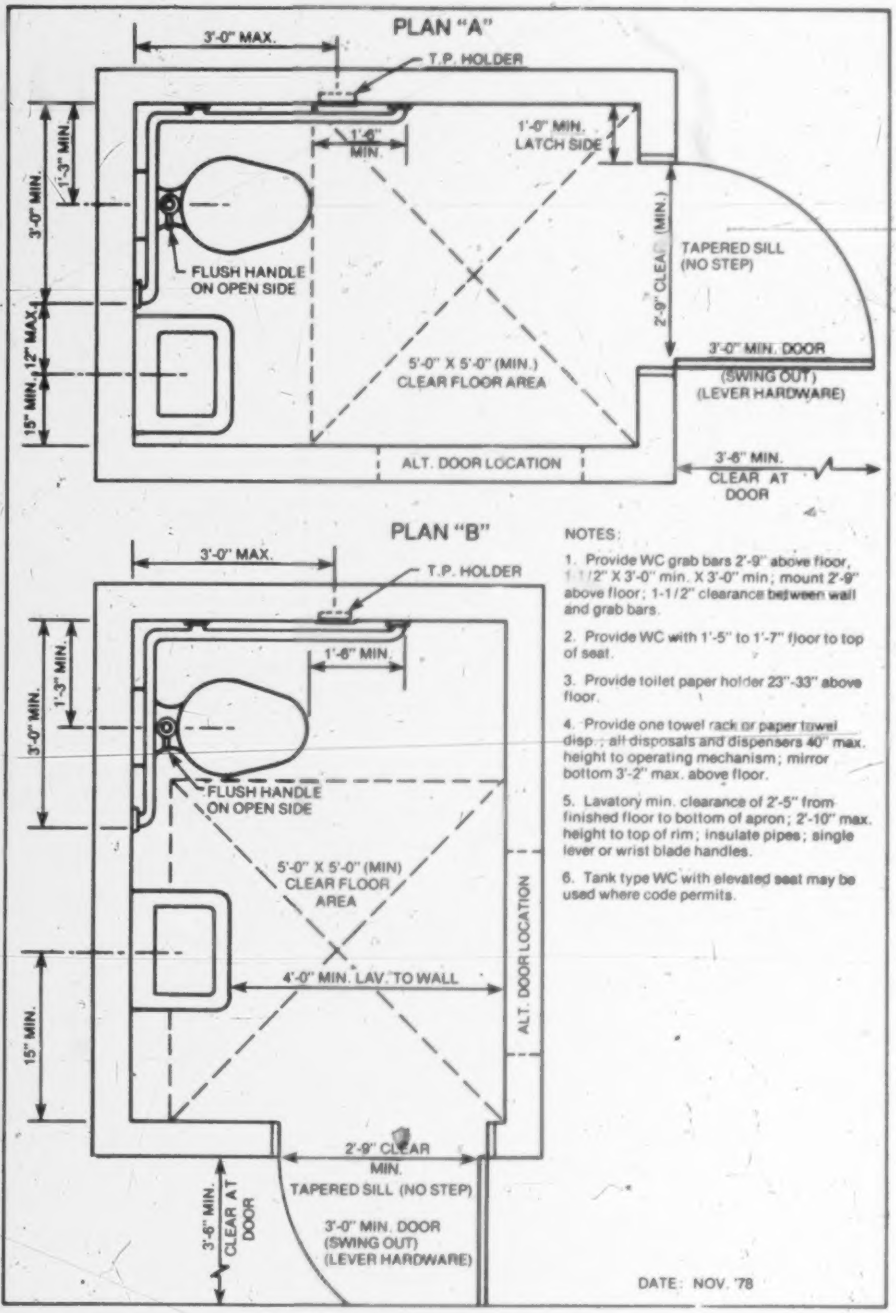
STANDARD WATER CLOSET STALL 5'-0" X 5'-0" MINIMUM INSIDE DIMENSION DOOR MUST PROVIDE 2'-9" CLEAR OPENING WITH DOOR IN 90° OPEN POSITION.

DOOR MUST SWING OUT AND MUST BE LOCATED DIAGONALLY OPPOSITE WATER CLOSET.

FLOOR AREA MIN. 3'-6" X 3'-0" OUTSIDE OUTSIDE STALL DOOR MUST BE CLEAR OF OBSTRUCTIONS

1 1/2" DIA. GRAB BAR MIN. 3'-0" LONG EXTENDING MIN. 1'-6" IN FRONT AND BEHIND FRONT EDGE OF WATER CLOSET. BAR MUST BE MOUNTED ON WALL ADJACENT TO WATER CLOSET 1'-1" ABOVE HEIGHT OF W.C. SEAT. BAR MUST HAVE 1 1/2" CLEARANCE BETWEEN WALL AND BAR MAXIMUM.

Figure 21. Typical Toilet Grab Bar Installation


PLAN "A"
3'-0" MAX.
T.P. HOLDER
1'-6" MIN.
1'-0" MIN. LATCH SIDE
1'-3" MIN.
3'-0" MIN.
FLUSH HANDLE ON OPEN SIDE
12" MAX.
15" MIN.
2'-9" CLEAR (MIN.)
TAPERED SILL (NO STEP)
3'-0" MIN. DOOR (SWING OUT) (LEVER HARDWARE)
5'-0" X 5'-0" (MIN.) CLEAR FLOOR AREA
ALT. DOOR LOCATION
3'-6" MIN. CLEAR AT DOOR
PLAN "B"
3'-0" MAX.
T.P. HOLDER
1'-6" MIN.
1'-3" MIN.
3'-0" MIN.
FLUSH HANDLE ON OPEN SIDE
5'-0" X 5'-0" (MIN) CLEAR FLOOR AREA
4'-0" MIN. LAV. TO WALL
ALT. DOOR LOCATION
15" MIN.
2'-9" CLEAR MIN.
TAPERED SILL (NO STEP)
3'-0" MIN. DOOR (SWING OUT) (LEVER HARDWARE)
3'-6" MIN. CLEAR AT DOOR

NOTES:

1. Provide WC grab bars 2'-9" above floor, 1-1/2" X 3'-0" min. X 3'-0" min; mount 2'-9" above floor; 1-1/2" clearance between wall and grab bars.

2. Provide WC with 1'-5" to 1'-7" floor to top of seat.

3. Provide toilet paper holder 23"-33" above floor.

4. Provide one towel rack or paper towel disp.; all disposals and dispensers 40" max. height to operating mechanism; mirror bottom 3'-2" max. above floor.

5. Lavatory min. clearance of 2'-5" from finished floor to bottom of apron; 2'-10" max. height to top of rim; insulate pipes; single lever or wrist blade handles.

6. Tank type WC with elevated seat may be used where code permits.

DATE: NOV. '78

Figure 22. Single Toilet Room (Typical Plan)

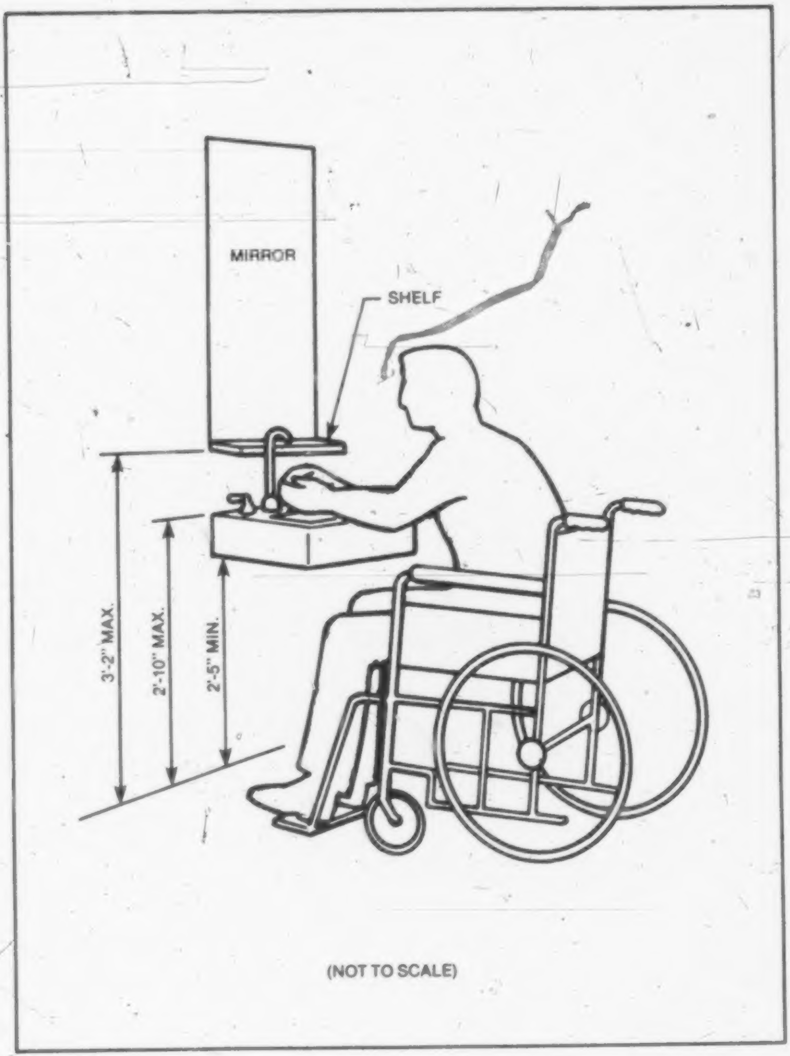

MIRROR
SHELF
3'-2" MAX.
2'-10" MAX.
2'-5" MIN.
(NOT TO SCALE)

Figure 23. Typical Lavatory and Mirror

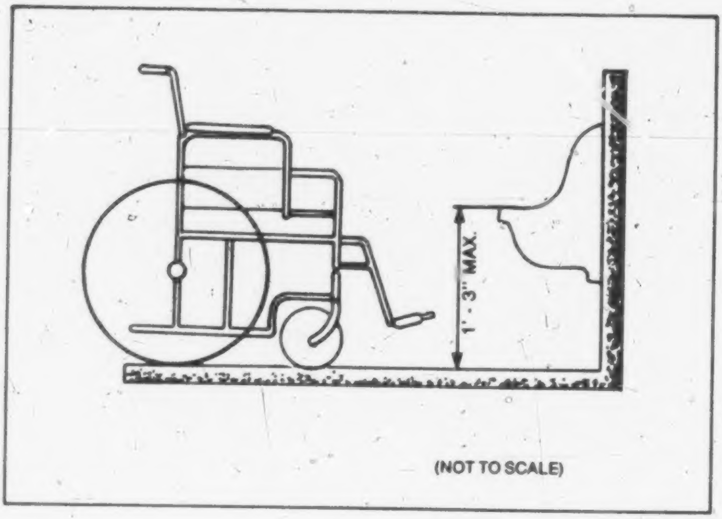

1' - 3" MAX.
(NOT TO SCALE)

Figure 24. Wall-Hung Urinal

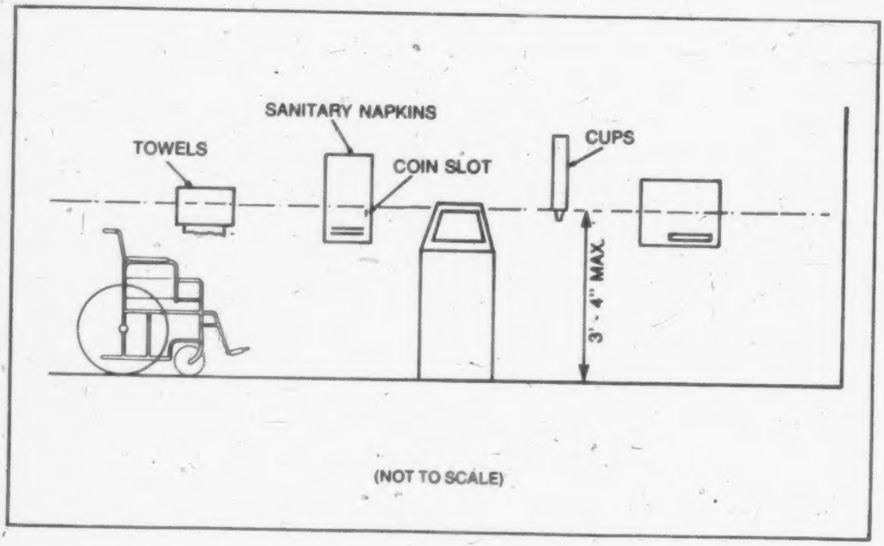

SANITARY NAPKINS
TOWELS
COIN SLOT
CUPS
3' - 4" MAX.
(NOT TO SCALE)

Figure 25. Typical Installations of Dispensers

4. Lunchrooms

a. Provide an unobstructed maneuvering area a minimum of 5 feet in the shorter dimension, in front of all vending machines.

b. Arrange furniture to permit a wheelchair to be maneuvered and to negotiate a 90-degree turn easily.

c. Vending machines must be operable with one hand.

d. Selection levers, buttons, and other customer-operated mechanisms must be operable with a maximum force of 8 foot-pounds.

e. Coin slots, selection levers, and dispenser openings must be no more than 4 feet above the floor wherever possible.

f. The minimum clear space from the underside of lunchroom tables to the floor must be no less than 2 feet-5 inches. Minimum clear knee space under the table must be no less than 2 feet-6 inches wide by 2 feet deep.

g. Cafeteria food service lines must provide an unobstructed aisle a minimum of 3 feet-6 inches wide between the service counter tray slide and the nearest crowd control rail, column, or other obstruction (Figure 26).

h. Cafeteria counters, tray slides, and railings must be capable of supporting a 250-pound force applied in any direction.

i. Tray slides must be installed at not more than 2 feet-10 inches above the finished floor.

j. The front portion of food service counters must be within a 1 foot-8 inch reach from the outside edge of the tray slide.

5. Lounge

a. Lounge area aisle space between fixed objects must be a minimum of 5 feet to provide for two-way traffic.

b. When fixed seating is installed, provide an unobstructed aisle a minimum of 3 feet-6 inches wide to permit pedestrian traffic in back of a wheelchair.

c. Install wall mounted electrical receptacles for use by the handicapped at a uniform height above the floor no less than 1 foot-6 inches or more than 3 feet-4 inches.

6. Attendance-Recording Equipment. Time clocks, card racks, log books, and other work assignment or attendance-recording equipment used by individuals in wheelchairs must be installed at a height no more than 4 feet above the finished floor. Counter space at check-in areas must be no more than 3 feet above the finished floor.

7. Medical Treatment Rooms. Medical treatment rooms, where provided, must be readily accessible to individuals in wheelchairs. Medical treatment toilet rooms must comply with the standard described in IV-E-1, Toilet Rooms.

8. Emergency Signals. Provide signals to operate in conjunction with all audible fire alarm or other emergency signals, as follows:

a. Such visual signals must be rotating, flashing, or reflective multicolor—e.g., red and blue; or red, clear white, and blue—beacon, of an intensity to attract the attention of individuals with hearing disabilities. Flash frequency must be 5 cycles per second or less.

b. Visual signals must be installed in sufficient quantity to provide a visual alarm in all areas to which the public or employees may normally have access, and be located in conjunction with exit signs.

9. Switches and Controls.

a. Wall-mounted switches must be installed at a uniform height not more than 48 inches above the finished floor.

b. Fire alarms, and other controls which need to be activated by the handicapped, must be installed at a uniform height of 4 feet-0 inches maximum.

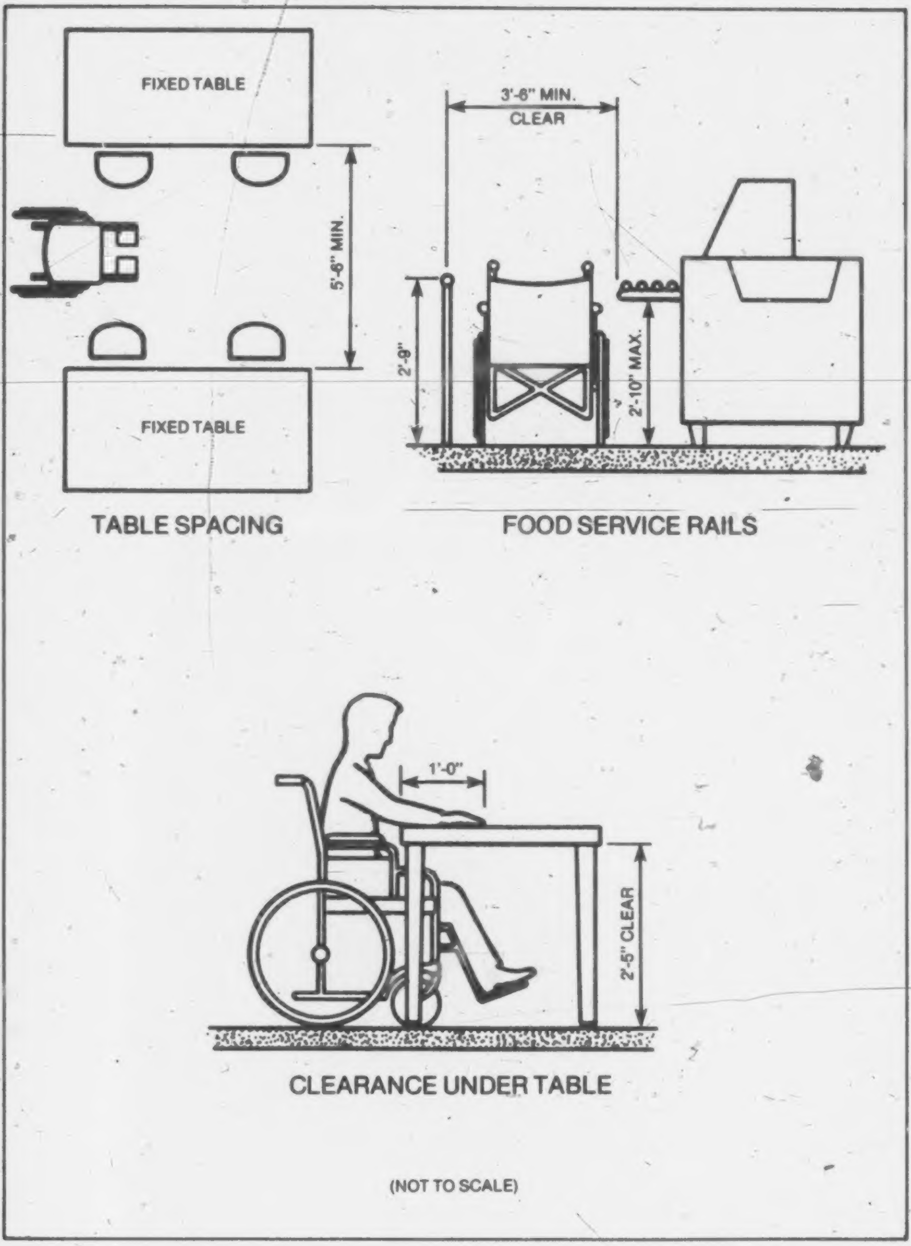

FIXED TABLE
5'-6" MIN.
FIXED TABLE
3'-6" MIN. CLEAR
2'-9"
2'-10" MAX.
1'-0"
2'-5" CLEAR

TABLE SPACING

FOOD SERVICE RAILS

CLEARANCE UNDER TABLE

(NOT TO SCALE)

Figure 26. Typical Requirements for Lunchrooms and Cafeterias

APPENDIX

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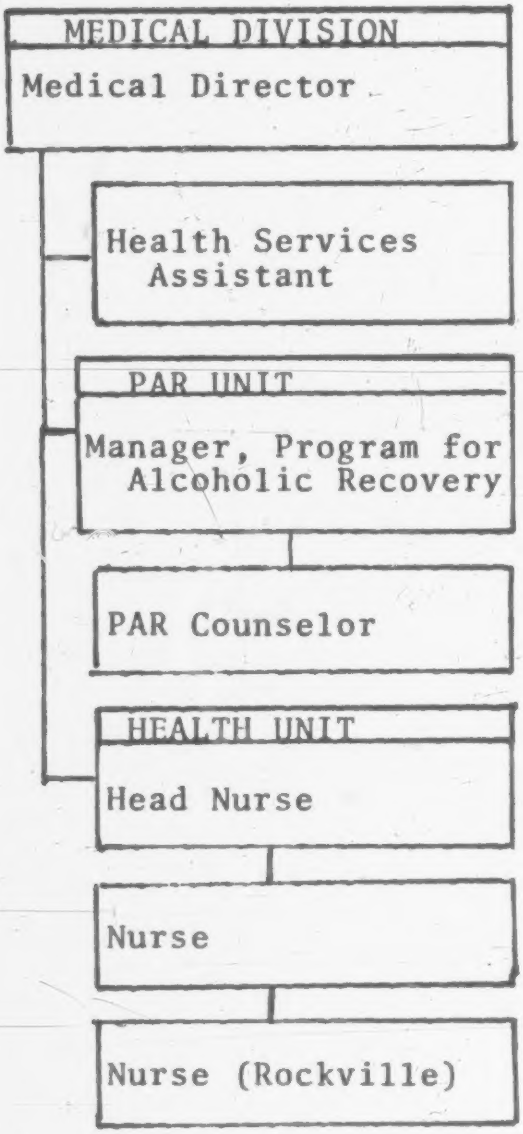
10-1-81

MEDICAL STAFF

	MED. OFF. POSITIONS AUTHORIZED	MED. OFF. POSITIONS FILLED	OFFICES VACANT	HEAD NURSES	NURSES	REMARKS
CENTRAL	22	16	Des Moines Kansas City Wichita St. Paul Akron Columbus 6	15	85	In the columns medical officer positions authorized and filled, included are the Regional Medical Director's positions.
EASTERN	19	17	Washington Regional 2 Med Director	9	56	
NORTHEAST	28	23	Boston BMC NJ Manchester Albany New York 5	15	76	
SOUTHERN	18.	12	Birmingham Jacksonville Tampa Memphis Nashville New Orleans 6	4	34	
WESTERN	14	12	Los Angeles Phoenix 2	8	65	
GRAND TOTAL	101	81	21	51	316	


MEDICAL DIVISION
Medical Director
Health Services Assistant
PAR UNIT
Manager, Program for Alcoholic Recovery
PAR Counselor
HEALTH UNIT
Head Nurse
Nurse
Nurse (Rockville)

MAY 15 1981

ASSISTANT POSTMASTER GENERAL
Government Relations Department
Washington, DC 20260

MAY 6 1981

Honorable Robert W. Edgar
Member of Congress
407 Avenue of the States
Chester, Pennsylvania 19082

Dear Congressman Edgar:

Postmaster General William F. Bolger asked me to respond to your letter of April 9, concerning the Postal Service's policy on hiring disabled veterans.

The Postal Service complies with the provisions of the Veterans' Preference Act when an applicant takes one of our entrance examinations and receives a score. Veterans honorably discharged from service receive five or ten points added to their rating pursuant to the provisions of that Act. We also give first consideration on hiring registers to ten point compensable veterans. The purpose of the Act was to ensure that veterans would receive a degree of preference in securing Federal employment. However, once employed, veterans are governed by the same promotional and advancement regulations and policies, as well as the provision of the National Agreement with the Postal Unions, as are any other postal employees.

The Civil Service Reform Act of 1978 granted additional preference to veterans with compensable service-connected disabilities of thirty percent or more. The Postal Service has not used this special appointment authority for a number of reasons. Our competitive procedures are already introducing a high number of disabled veterans into the postal workforce. The Postal Service is committed to filling all of its career vacancies on the basis of merit and competition to the fullest extent possible. We believe that any significant use of our authority to appoint noncompetitively those veterans with a thirty percent or greater disability would tend to further limit the jobs available to other deserving applicants, especially minorities and women.

The Postal Service also provides a program designed to give full consideration to employment of veterans who are disabled and to other handicapped individuals. Essentially, these disabled individuals, who are otherwise qualified receive preferential employment consideration for identified positions in the Postal Service. Over the years we have found that this program has successfully met its goals, and many individuals who might not have been employed have performed the duties of their positions in an exemplary manner.

Approximately 10,000 postal workers are handicapped. While this compares favorably with the numbers of handicapped individuals employed in other federal agencies, the Postal Service has a particularly good record in hiring disabled veterans. The Postal Service represents only 24 percent of total Federal career employment but it employs 30.3 percent of all veterans, 42.3 percent of all disabled veterans and 31 percent of all compensable disabled veterans working for the Federal government. Nearly 57 percent of the current workforce of 650,000 career employees consists of veteran preference eligibles, as indicated on the enclosed chart.

I trust this information will assist you in responding to your constituent and clearly indicates our leadership as an employer of veterans.

Sincerely,

Edward E. Horgan, Jr.

Enclosure

TABLE 2

United States Postal Service Employment of Veterans (Workforce as of June 27, 1980)

	Total	Preference Eligible (all categories)	Disabled Veterans		
			Non-Compensable	Compensable	Total
Career Employees[1]	649,749	368,186 (56.7%)	34,681 (5.3%)	37,823 (5.8%)	72,504 (11.2%)
All Employees[2]	691,297	376,614 (54.5%)	35,114 (5.1%)	38,439 (5.6%)	73,553 (10.6%)
		Hiring Activity 12/15/79-6/13/80			
Career Accessions[1]	22,698	9,451	720	2,500	3,220
All Accessions[2]	46,022	14,556 (31.6%)	1,013 (2.2%)	3,185 (6.9%)	4,198 (9.1%)

Comparison of Career Employees (as of March 21, 1980)

	U.S.P.S.	Other Federal Agencies*
Veterans	56.7%	40.1%
Disabled Veterans	11.2%	4.7%
Compensable Disabled Veterans	5.8%	2.9%

[1] "Career" positions include all those filled by a career appointment, either full time or part time.

[2] Includes all career employees, plus all non-career (e.g. casual, temporary, postmaster relief/leave replacement, substitute and auxiliary rural carriers.)

*Source: Office of Personnel Management

VETERANS OF FOREIGN WARS OF THE UNITED STATES

OFFICE OF THE DIRECTOR

STATEMENT OF

JAMES N. MAGILL, SPECIAL ASSISTANT
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

SUBCOMMITTEE ON EDUCATION, TRAINING, AND EMPLOYMENT
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO VETERAN EMPLOYMENT PROGRAMS IN THE U.S. POSTAL SERVICE

WASHINGTON, D.C. OCTOBER 14, 1981

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the privilege of appearing before this distinguished Subcommittee to present the views of the Veterans of Foreign Wars of the United States. We appreciate this Subcommittee holding this hearing inasmuch as we believe certain areas concerning veterans employment within the Postal Service need attention.

As of April 1, 1981, according to the Office of Personnel Management (OPM), 55% of all Postal Service employees were veterans and 19% were Vietnam Era veterans. It would appear from these statistics that the Postal Service has done a commendable job of providing preference to veterans in its recruitment, hiring and promotional programs. However, what concerns the VFW is the Postal Service's policies and practices regarding recruitment, hiring, and retention of veterans, especially disabled veterans and its policy toward Vietnam Era veterans.

Our National Veterans Service has a number of complaints on file regarding the Postal Service in these areas. In fact, as compared to other agencies, the ratio could be considered inordinately high, with most of these complaints being generated from disabled veterans. The VFW strongly believes that the Postal Service discourages the recruitment and hiring of disabled veterans and that statistics would indicate the retention rate, during and after the 90 day probationary period would not be favorable. Ironically, after requesting the turn-over rate involving disabled veterans, we were informed by the Postal Service just last week that such information was not kept on file and would require considerable research to develop. Additionally, it was implied there might be a cost factor involved, but the official stated she would get back to us to confirm these facts. As of October 12, 1981, we have yet to be notified. We were also dismayed to discover that the Office of Personnel Management could not supply us with the information as to how many disabled veterans were in the employ of the Post Office. We believe this information is not difficult to obtain and the Postal Service, in its inability to capture same, is demonstrating its refusal to cooperate with veterans' organizations and/or may be trying to conceal derogatory information.

Our past experiences in resolving cases brought to our attention involving disabled veterans have resulted in our firm belief that the Postal Service now uses veterans preference as a means to "filter out" prospective veteran employees. The automatic granting of 10 additional points to a passing score on an examination serves to alert the Post Office that the applicant has a disability. Instead of being an aid to employment, this serves, within the Postal Service, as a "red flag" and actually is a hinderance. A typical case brought to our attention concerned a disabled veteran applying for postal employment in St. Louis, Missouri. After paying $20.00 for a physical, he was denied employment due to medical unsuitability. The irony of this case, Mr. Chairman, is that the veteran was never examined by the doctor. The physician based his determination solely on the applicant's military medical file; obviously there was no intention to hire this veteran. Needless to say the veteran protested this adverse decision, going so far as to plead for an actual physical examination; but to no avail. Their minds had been made up. The Postal Service has gone so far in the past as to inquire of the Office of Personnel Management if that agency must comply with 5 USC 3312, which provides, in part, for review by OPM of pass-over when the veteran employed by the Postal Service is 30% or more disabled. As expected, we understand, the Postal Service was advised they must comply with the law. This provides another example of the Postal Service's negative attitude toward disabled veterans.

In regard to Veterans Readjustment Appointments (VRAs), the VFW is greatly disappointed that the Postal Service does not utilize this all important hiring authority. The VRA authority was extended and liberalized in 1978, enabling all Vietnam Era veterans with less than 14 years of formal education or any disabled Vietnam Era veteran to utilize this program. Unfortunately, the Postal Service entered into an agreement with the Postal Union resulting in the discontinuance of VRAs. Up until this time the Postal Service had made approximately 3600 VRAs and of this number over 2300 converted to career or career conditional status. This benefited the Postal Service by obtaining recruits and was of a great service in helping Vietnam Era veterans find permanent jobs. We truly hope that the Postal Service will once again recognize the dual benefit VRA's can achieve; career employees for the Postal Service and jobs for Vietnam veterans.

Mr. Chairman, this concludes my testimony. Once again, I would like to thank the Chairman for holding this hearing and allowing the VFW to voice its concerns regarding veteran employment within the U.S. Postal Service. A copy of our resolution entitled "Reinstitute Veterans Preference in the U.S. Postal Service," adopted at our most recent National Convention, held in Philadelphia, Pennsylvania, is appended to my statement for your review. I will be happy to answer any questions you may have at this time.

Resolution No. 661

REINSTITUTE VETERANS PREFERENCE IN U.S. POSTAL SERVICE

WHEREAS, the Congress of the United States has enacted legislation providing preference to veterans for federal employment, including employment within the U.S. Postal Service system; and

WHEREAS, Congress in the passage of the Postal Reform Act, provided veterans shall continue to receive veterans' preference for postal jobs; and

WHEREAS, the U.S. Postal Service for many years has done an outstanding job of providing preference to veterans in its recruitment, hiring and promotional programs; and

WHEREAS, the U.S. Postal Service and postal unions have agreed to hire special categories of employees and to discontinue the hiring of Vietnam era veterans under the Veterans' Readjustment Appointment authority; and

WHEREAS, legislation enacted by Congress provides all agencies of government, including the Postal Service and those in the private sector, shall have an affirmative action plan for employment of the handicapped, disabled veterans, and Vietnam era veterans; now, therefore

BE IT RESOLVED, by the 82nd National Convention of the Veterans of Foreign Wars of the United States, that we do hereby go on record requesting the United States Postal Service to reinstitute its program to provide preference to veterans as provided by law and to employ Vietnam era veterans under the Veterans' Readjustment Appointment authority; and

BE IT FURTHER RESOLVED, that we urge Congress to enact legislation causing the Postal Service to continue to provide job opportunities to veterans under the Veterans' Preference Act, Veterans' Readjustment Appointment authority, and other special appointing authorities.

Adopted by the 82nd National Convention of the Veterans of Foreign Wars of the United States held in Philadelphia, Pennsylvania, August 14-20, 1981.

Resolution No. 661

STATEMENT OF
RONALD W. DRACH
NATIONAL EMPLOYMENT DIRECTOR
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON EDUCATION,
TRAINING AND EMPLOYMENT
HOUSE VETERANS AFFAIRS COMMITTEE
OCTOBER 14, 1981

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:

On behalf of the 700,000 members of the Disabled American Veterans, I would like to express our appreciation to you and the members of this Committee for conducting hearings on the policies of the Postal Service as they relate to employment of veterans, especially disabled veterans.

It is difficult for us to understand the recalcitrance of Postmaster General Bolger and other officials of the Postal Service to comply with laws enacted by Congress designed to provide employment opportunities to these veterans.

Mr. Chairman, a high-level government official such as Mr. Bolger, when assuming high public office, takes an oath to uphold the Constitution and laws of this country. It is indeed regrettable that Mr. Bolger has compelled us to question his integrity when he so openly ignores statutory mandates. I need to point out, Mr. Chairman, that Mr. Bolger, for whatever reasons, has for two years refused to appear before this Committee to account for his actions. The DAV believes this is inexcusable.

Mr. Chairman, the DAV has witnessed bureaucratic foot-dragging; stonewalling; lackadaisical attitudes toward veterans' programs; overt and covert actions to cut budgets and programs; intentional and unintentional misinterpretations of law and lack of enforcement efforts, but with the Postal Service, we have seen intentional violation of law.

Mr. Chairman, if an average citizen continually ignored the laws of this nation, as Mr. Bolger has with veterans' preference, that individual would be prosecuted.

In enacting the Veterans' Preference Act of 1944, Congress intended for veterans, especially disabled veterans, to receive a little extra help in obtaining federal employment, including Postal Service employment. Congress reaffirmed this intent when in 1970 the Postal Reorganization Act was passed. This Act made the Postal Service a "quasi-government" entity. Included in that law was Section 1005(a)(2) which states "the provisions of Title 5 relating to a preference eligible (as that term is defined under Section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title." Mr. Chairman, I can find no ambiguity in that statement.

Mr. Chairman, in 1978 the Civil Service Reform Act added several provisions to Title 5, U.S. Code affecting disabled veterans. One of those provisions was intended to provide additional protection to disabled veterans rated 30% or more from agency actions that would deny employment opportunities on the basis of medical unsuitability. This provision, codified in Section 3312(b) of Title 5, U.S. Code, requires an agency that intends to deny employment to a preference eligible (rated 30% or more) to advise OPM of their reasons, and before the position can be filled, OPM must make a ruling on the adequacy of the agency's reasons.

In December of 1978 a meeting was hosted by Postmaster General Bolger and in attendance were several veteran organization representatives. One of the questions posed to Mr. Bolger was whether or not the provisions of the Civil Service Reform Act dealing with veterans impacted on the Postal Service. To the best of my recollection, Mr. Bolger indicated that his legal department was investigating that matter. However, in May of 1979 Mr. Bolger, in a letter to Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, advised that the veterans' provisions of the Reform Act were applicable to the U.S. Postal

Service.

Despite this admission of responsibility, Mr. Bolger and other staff officials of the Postal Service, refused to issue guidelines to Postal installations implementing Section 3312(b). Their lack of action ultimately prompted the DAV to request an opinion from OPM's General Counsel regarding the Postal Service's obligations. On September 18, 1980 the General Counsel of OPM ruled that the Postal Service must comply with Section 3312(b). It was almost one year later on September 10, 1981 that the Postal Service issued those guidelines.

Mr. Chairman, this action, or lack of action, in our opinion is unconscionable. The DAV cannot and will not sit idly by and allow the Postal Service or any other federal agency to continue violating federal law.

Mr. Chairman, I believe Postal officials "burn the midnight oil" to find ways to deny employment opportunities to disabled veterans. Finally after three years, as indicated, the Postal Service has issued instructions implementing Section 3312(b). Already, less than a month later, two situations have come to my attention where Postal officials are circumventing those procedures. In one instance, a disabled veteran, rated more than 30%, was verbally denied employment and the reason given was medical unsuitability. In this case the Postal official has refused to advise the veteran in writing, or to otherwise follow the procedures outlined. We are handling that case on an individual basis.

Another matter that came to my attention last week was an instance where the disabled veteran was hired, pending a review of his medical records. On his 87th day of employment a determination was made following a review of VA medical records. I would like to point out that no physical examination was conducted, the individual was determined medically unsuitable, and terminated. A discrimination complaint was filed. A subsequent review was made with private medical statements as part of the record and a new determination was made that the individual was medically suitable. However, rather than reinstate the individual, they placed his name on the active register for future employment consideration.

Mr. Chairman, these are not isolated cases. My office in Washington receives an average of one Postal Service complaint per day. Our more than 270 National Service Officers, located in every state, except Alaska, also receive daily complaints.

Mr. Chairman, the actions of Mr. Bolger and other Postal officials in the application of veterans' preference have, at worst, been criminal, at best, hypocritical.

At our National Convention in Boston, Massachusetts on July 16, 1979, Mr. Bolger told our delegates "...the nation seems to be trying to forget the fact that men and women selflessly risked, and many lost, life and limb in Vietnam." Mr. Chairman, the Postal Service has not forgotten. They make it all too obvious that they have remembered, when on a daily basis they deny these disabled veterans employment opportunities based on what we believe to be arbitrary and capricious medical unsuitability determinations.

I would like to have Mr. Bolger explain to a disabled veteran, as I do almost daily, who believes that 10 point preference is going to help him find employment that such veterans' preference is used against him. It is used against him, Mr. Chairman, because it automatically alerts Postal officials that this individual is disabled. Their own preemployment medical guidelines require a review of VA medical records prior to any consideration of employment for a disabled veteran. At best, it is discouraging from the standpoint of an applicant who is erroneously led to believe that this "preference" is going to be beneficial.

Mr. Chairman, I would like to offer some other select quotes from Mr. Bolger's address which further buttress our opinion that Mr. Bolger is very adept at hypocrisy:

> "I am concerned about the disabled among our Vietnam vets."

> "But I can tell you that I don't believe we're doing enough."
>
> "There is a responsibility that must be borne, and must be shared."

Mr. Bolger continued to explain a pilot project concept to hire hospitalized disabled veterans in the Postal Service. In discussing that pilot program, Mr. Bolger offered the following:

> "We would be offering them the very same thing that you and I seek in employment, the chance to succeed or, equally important, the chance to fail and to learn from that failure."

Mr. Chairman, I submit to you that the record of the Postal Service in dealing with disabled, non-hospitalized veterans has been one of not giving them the opportunity to succeed or fail. All too often, they are denied that basic human trait by the application of arbitrary and capricious medical standards.

Mr. Bolger also discussed his participation in the Postal Service's Thirteenth Annual Handicapped Awards Luncheon. Mr. Chairman, I would like to inject here that as National Employment Director for the DAV, I attend numerous functions, both symbolic and substantive, dealing with disabled veteran and handicapped individual issues. However, I have yet to experience anything as repulsive, repugnant and hypocritical as the Postal Service's symbolic tokenism for this nation's handicapped people.

In his discussion of the honorees, all of whom were handicapped, Mr. Bolger stated: "...instead of thinking about what they cannot do, they demonstrate what they can do, and they prove, day in and day out, that the human body can perform all that the human will can envision."

In talking about disabled Vietnam veterans as employees, Mr. Bolger stated: "They would move ahead, not because of their disabilities, but because of their abilities."

Mr. Chairman, that last statement is one that the DAV believes very strongly in philosophically. However, it is very difficult in the Postal Service to move ahead because of abilities, when so many cannot even get in because of disabilities.

Near the conclusion of his speech, Mr. Bolger states: "In short, I am committed to developing ways the Postal Service can assist disabled veterans." Mr. Chairman, if indeed Mr. Bolger is committed to this endeavor, why have his words not been translated into actions? His actions have spoken louder than his words and to us it has been the epitome of hypocrisy.

If indeed Mr. Bolger were as committed as he has stated, at a minimum he should be issuing policy statements to all installations in this regard. He should also be imposing disciplinary actions, both corrective and punitive in nature, aimed at those at the local level who continually circumvent and violate veterans' preference.

Mr. Chairman, our comments are not idle allegations. We have continually proven that the Postal Service not only violates law, but also circumvents and ignores their own guidelines.

The Postal Service has published: "Pre-employment Medical Provisions" and it is indicated that an actual physical examination is to be conducted. In all too many cases brought to our attention, this is not complied with. Instead, denial of employment is based on a review of VA medical records only.

It also states that, "Final medical suitability determination is made only when an actual job offer is made." From numerous cases brought to our attention, it appears all too often that medical suitablity determinations are made prior to a job offer and denial is made on that basis.

These provisions also require that medical unsuitability determinations must be fully documented and based, "...on objective clinical indications or laboratory results." Again it has been our experience in a lot of cases that medical determinations have been made on subjective, nonclinical indications and speculative determinations that a condition "might get worse." Additionally, this medical unsuitability determination must be made showing, "Direct connection between the applicant's disability and specific job requirements that form the basis for unsuitability."

Mr. Chairman, I have never seen a medical unsuitability determination that outlines the specific job requirements and how the applicant's disability would interfere with those requirements.

Postal officials who make medical unsuitability determinations are required "...to recommend them for consideration for other positions which they could perform without physical limitations." Again, Mr. Chairman, I have never seen such a recommendation.

Mr. Chairman, U.S. Postal Service officials continually hide behind their aggregate statistics on veterans. Most recently, they advised the Federal Times that approximately 57% of their work force are veterans; 11.2% of the career work force are disabled veterans and 5.8% of the regular work force are compensable disabled veterans. The DAV has never disputed their aggregate figures.

With such high numbers of veterans employed, you would think they would have an office of Veterans Affairs. They do not. By contrast, the Department of Health and Human Services only has 18.8% preference eligibles in their work force, yet they have a full-time Director of Office of Veterans Affairs.

The Postal Service, in our opinion, has become very adept at statistical manipulation. However, we are talking about a basic right of equality assured us in the Constitution of the United States. That concept of equality has not been enjoyed by many disabled veterans they have not been given an equal chance to compete, let alone actually prove themselves in the work force.

By virtue of the Veterans' Preference Act, disabled veterans are supposed to receive not only equal employment opportunity, but some semblance of preference. "Equal" and "preference" are apparently not in the vocabulary of Postal Service officials. In addition to equal employment opportunity and veterans' preference, the Postal Service is required by law, codified in Section 2014, Title 38, U.S. Code to take affirmative action to employ and advance in employment qualified disabled veterans. Rather, they have taken affirmative action to deny employment to disabled veterans.

Mr. Chairman, equal implies that an individual applying for postal employment would not have any particular physical or personality character trait held against him. We also believe that inherent in any equal employment opportunity program, or affirmative action concept, that an applicant denied solely for reasons other than merit, should be advised of the right of redress. Mr. Bolger, in a recent letter to me on that issue, advises: "...the law does not require the Postal Service or any federal agency to notify an employee of the right to file a discrimination complaint when any type of adverse action is taken against that individual." Perhaps, Mr. Chairman, this Committee would entertain the idea of introducing legislation to the appropriate Committee of Congress to enact such legislation.

Mr. Chairman, the DAV admits that the law does not require a notification to an employee or applicant for employment of a right to file a discrimination complaint. However, we should point out that we believe implicit in the Fourteenth Amendment of the Constitution in an administrative action in order to accord due process of law, there is the Constitutional principle that proper notice be provided, especially when it involves individual interest. We offer as further evidence the following from the Constitution of the United States of America: Analysis and Interpretation (Superintendent of Documents) which appears on Page 1088 in reference to the Fourteenth Amendment:

> "Sufficiency of Notice and Hearing. -- Although the Supreme Court has wavered on the question whether the granting of notice in administrative proceedings, in cases in which the authorizing statute does not expressly provide therefore, will satisfy the requirements of due process, in judicial proceedings it has almost consistently declared that notice must be provided as an essential part of the statutory provision and not as a mere matter of favor or grace."

Although this latter part refers to judicial proceedings, we believe the basic legal tenet applies in administrative proceedings.

As we know, when a disabled veteran is denied employment based on medical reasons, he is advised of the "right to appeal" to the Regional Office of the U.S. Postal Service. That notice is not required by law. Why then, does Mr. Bolger need to be legislated to take such action in the area of discrimination? However, based on our past experience, legislative mandate may be moot, since Mr. Bolger doesn't comply with federal laws anyway.

We have already established, Mr. Chairman, that Mr. Bolger has violated Section 3312(b) for almost three years. I would like to point out that on February 26, 1981 we obtained another opinion from the Office of Personnel Management's General Counsel regarding Section 3317 of Title 5, U.S. Code. I offer the following from a February 26, 1981 letter to me from Ms. Waxman, then General Counsel:

> "5 USC, Section 3317 states that OPM must certify enough names on a certificate of eligibles to allow agencies to consider at least three names for each vacancy. When an appointing authority wishes to pass over a preference eligible who was certified from a register, it must come to OPM and OPM must consider whether the agency's reasons are sufficient for pass over. If OPM finds the reasons to be sufficient, and if the individual has been considered and passed over three times, OPM may cease to cer-

tify the individual. However, the preference eligible is entitled to advance notice of discontinuation of certification.

Further, only OPM may thereafter remove [a] name from future certificates.

5 USC, Section 3312 provides authority only for examining agencies to waive physical requirements of specific positions, it does not authorize agencies to remove the names of individuals from certificates." (Emphasis added)

Mr. Chairman, while that opinion was prompted on an individual case, it certainly made clear to us that the Postal Service was not empowered to remove the names of preference eligibles from a certificate of eligibles without first obtaining approval from OPM. The Postal Service has consistently been taking such actions.

We forwarded a copy of that opinion to Postmaster General Bolger and advised him that we expected a directive to be issued to all Postal installations advising them that they are not authorized to remove a preference eligible from the register of eligibles without approval from OPM.

Mr. Chairman, I would like to read a copy of a response that I received from Nancy George, Assistant Postmaster General, regarding this matter: "With respect to the preference eligibles who was removed from the active registers of eligibles, I have been informed that Mr. --- has appealed the medically unsuitable determination to our Southern Regional Office. That appeal is currently under review." She did not even address the violation of Section 3317, Title 5, U.S. Code. What else can a reasonable person conclude other than total disregard by Postal Service officials of federal law.

Mr. Chairman, we could perhaps excuse this if they weren't aware of their obligations and responsibilities, but the February 26th General Counsel opinion left no question of their responsibility.

Mr. Chairman, again, I cannot believe that high public officials so openly and blatantly ignore federal law and then have the audacity to come before this Committee and tell you that they do comply with the veterans' preference provisions of Title 5.

Mr. Chairman, on May 6, 1981 you were sent a letter from Mr. Edward E. Horgan, Jr., Assistant Postmaster General, Government Relations Department, wherein he advises you, "The Postal Service complies with the provisions of the Veterans' Preference Act when an applicant takes one of our entrance examinations and receives a score." I think we have just proven that that, too, is a lie. They comply only by adding "points." They do not comply with other provisions of the Veterans' Preference Act, as amended.

Mr. Horgan goes on to advise you that the Postal Service has not used the special non-competitive appointment authority for disabled veterans rated 30% or more. He states: "We believe that any significant use of our authority to appoint non-competitively those veterans with a 30% or greater disability would tend to further limit the jobs available to other deserving applicants, especially minorities and women."

Mr. Chairman, the Disabled American Veterans certainly agrees that women and minorities are deserving applicants. We also agree that they have been discriminated against in the work force. We must, however, point out that the Congress has supported, as recently as 1978, the basic principle that disabled veterans are just a little bit more deserving. Not only did the Congress avert any attempts by the Carter Administration to do away with veterans' preference, they actually added additional protections and provisions for certain disabled veterans, thus reaffirming and extending the belief of the country that disabled veterans are indeed unique and deserving of special assistance.

I would also like to point out that these other "deserving applicants" who are not eligible for veterans' preference, did not serve their country and put their life and limbs "on the line". Nor did they, as Mr. Bolger stated to our National Convention, "...that these men and women selflessly risked, and many lost life and limb in Vietnam."

Also in this letter Mr. Horgan again tries to substantiate the Postal Service's policies by flaunting statistics. It is interesting that he mentions that approximately 10,000 Postal workers are handicapped. Out of a total work force of 650,000 only 1.5% are handicapped. Also of significant interest is that it is obvious that the Postal Service has made few, if any, strides in affirmative action for the handicapped. Former Postmaster General Benjamin Bailar in an article published in Disabled USA in 1978 said that they had 10,000 handicapped workers at that time. Apparently in three years, they have not hired any additional handicapped individuals.

Mr. Chairman, Section 2014, Title 38, U.S. Code and Section 501 of the Rehabilitation Act of 1973, as amended, require federal agencies, including the Postal Service, to submit an affirmative action plan annually for disabled veterans and handicapped individuals, respectively.

Despite these requirements, the U.S. Postal Service has the following record of compliance:

6-18-74	Submitted an acceptable affirmative action plan.
6-30-75	Submitted a record of satisfactory achievement for Fiscal Year 1975 and an acceptable affirmative action plan for Fiscal Year 1976.
6-30-76	Submitted a record of *unsatisfactory* achievements for Fiscal Year 1976 and an acceptable affirmative action plan for Fiscal Year 1977.
6-30-77	Submitted an affirmative action plan for Fiscal Year 1978 that was *unacceptable* and a record of achievements for Fiscal Year 1977 that was *unsatisfactory*.
6-30-78	No affirmative action plan submitted for Fiscal Year 1979 and no record of achievements submitted for Fiscal Year 1978.

According to an article in the *Federal Times*, the Postal Service indicated they did not have good statistics on which to base such a plan. However, as indicated in Mr. Horgan's letter, they have 10,000 handicapped employees. It would appear that the Postal Service is practicing doublespeak.

In concluding, Mr. Chairman, I would like to reflect and comment on testimony presented by Ms. Nancy L. George to this Committee on August 26, 1980. In her prepared statement, she discussed the provision of the Postal Reorganization Act in 1970 and she states: "When Congress passed that legislation in 1970, it made very clear that Postal Service veteran preference eligible applicants and employees, while outside the ambit of many federal personnel regulations, were to be subject to the provisions of Title 5 of the United States Code, 'as if they were in the competitive Civil Service', this statutory directive is reflected in the Postal Service's Personnel Regulations on hiring, retention and discipline." Mr. Chairman, they may be "reflected", but they sure aren't practiced.

Ms. George also talked about the internal "appeal" process instituted by the Postal Service for veterans who are denied employment for medical reasons. She concludes that section by stating: "...it is significantly more beneficial to the average veteran, than the parallel regulation covering the other agencies." We are not convinced that it is "more beneficial" and have recently written to Ms. George requesting data on the number of appeals made and how many were sustained or overruled.

That concludes my prepared statement, Mr. Chairman. I would be happy to answer any questions.

STATEMENT OF JAMES G. BOURIE
DIRECTOR FOR ECONOMICS
THE AMERICAN LEGION

BEFORE THE

SUBCOMMITTEE ON EDUCATION, TRAINING AND EMPLOYMENT
SUBCOMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

CONCERNING
VETERANS EMPLOYMENT IN THE U.S. POSTAL SERVICE

October 14, 1981

Mr. Chairman and members of this subcommittee:

The American Legion thanks you for allowing us this opportunity to present our views on veterans' employment in the U.S. Postal Service. Pertinent resolutions passed by The American Legion are attached, together with other pieces of correspondence, with the request that they be made part of the record.

It is indeed timely that this subcommittee concern itself with the employment of veterans by the Postal Service. If there is one federal agency which causes The American Legion the most letters and problems, it is surely the Postal Service.

The Legion's involvement with the Postal Service is not new and is well documented. In 1977, before the House Subcommittee on the Postal Service and Civil Service, we stated that veterans preference was being eroded and that the Postal Reorganization Act of 1970, as amended, provided that veterans preference would continue to apply to them in the same way as if the employees were subject to the competitive service. We further pointed out that the old Civil Service Commission, by virtue of Sections 11 and 19 of the Veterans Preference Act, has enforcement authority with respect to provisions of the Act, including the Postal Service. The American Legion then requested the Civil Service Commission to make a study of the personnel practices of the Postal Service which affect veterans, and then to have the General Counsel of the Commission issue an official opinion based on the results of that study. Of course, this was not done, as the mood of the Administration at that time was not favorable to veterans. Thus, over the years, our persistence as regards the hiring and promotion of veterans within the Postal Service has been met by total resistance on their part. For example, the Veterans Readjustment Appointments non-competitive hiring program, of course, extends to the Postal Service. Yet, when we point this out to them, they have repeatedly responded that under the current terms of their labor-management agreement, all VRA appointments have been suspended. Quite obviously, they have placed themselves above the law and the intent of Congress. We are, nonetheless, well aware that the VRA program is discretionary and not mandatory; yet there is no reason whatever that the Postal Service can arbitrarily disregard, with impunity, the express wishes of Congress. This attitude likewise is found for the 30 percent non-competitive program. Hard data from OPM on these two programs as to how many veterans were hired by the Postal Service is simply not available. Indeed, if available, would prove quite revealing.

We are well aware of the raw data offered by the Postal Service as regard their veterans hiring record. And upon first blush it would appear to be a model for other agencies. Yet, based on letters, file memos, conversations, etc., we are convinced that behind those statistics lies a serious problem. We are of the belief that the Postal Service has tacitly set a course to evade veterans preference and to otherwise provide veterans with the least amount of protection and concern.

This belief is also shared by the Hon. Donald J. Devine, Director, United States Office of Personnel Management. At our recently concluded 63rd National Convention, Mr. Devine expressed his concern to the delegates by stating that OPM will be reviewing agency hiring practices of disabled veterans, and "...to investigate the Postal Service to make sure that severely disabled veterans are treated fairly..."

Mr. Chairman, we of The American Legion, as stated earlier, are of the belief that the Postal Service has been in the past, and continues to be, resistant to their statutory obligations under the Postal Service Reform Act, as amended, and the Civil Service Reform Act, as amended, and other federal laws. We feel it is high time that the Postal Service be firmly reminded of their obligations.

Mr. Chairman, thank you for allowing The American Legion to present its views.

MAY 29 1981

SENIOR ASSISTANT POSTMASTER GENERAL
Employee and Labor Relations Group
Washington, DC 20260

MAY 27 1981

Dear Mr. Bourie:

Postmaster General William F. Bolger has asked me to respond to your letter of May 12, concerning USPS compliance with federal legislation on employment of veterans, particularly concerning the VRA program.

The U. S. Postal Service is obligated by law to implement provisions of the Veterans Preference Act, Title 5 of the U. S. Code of Federal Regulations, in the recruitment and selection of applicants for employment. In compliance with that law, our Personnel Operations Handbook, P-11, provides for the scores of veteran preference eligibles to be increased by five or ten points, once an eligible rating on the examination is achieved, depending on the preference. In addition, those with a 10 percent or greater compensable service-connected disability are placed at the top of the register in the order of their scores.

The hiring of veterans by the Postal Service compares most favorably with other agencies, with a significant representation of disabled veterans hired through our normal competitive hiring procedures.

The Veterans Readjustment Appointment authority was phased out, based on our National Agreement with the unions which limited our ability to use employees outside the bargaining unit to perform bargaining unit work. However, we have achieved great success in introducing disabled veterans, many from the Vietnam era, into our career workforce without the use of this program. We do have a non-competitive hiring authority for severely handicapped individuals, which provides for veterans preference in making these appointments.

Your interest in postal hiring practices is appreciated, and I am pleased to share this information with you.

Sincerely,

Carl C. Ulsaker
Senior Assistant Postmaster General
Employee and Labor Relations Group

Mr. James G. Bourie
Director for Economics
The American Legion
1608 "K" Street, N.W.
Washington, D.C. 20006

SIXTY-THIRD ANNUAL NATIONAL CONVENTION
OF
THE AMERICAN LEGION
AUGUST 29-SEPTEMBER 3, 1981
HONOLULU, HAWAII

RESOLUTION NO. : 375

COMMITTEE : ECONOMICS

SUBJECT : SUPPORT VETERANS PREFERENCE IN FEDERAL EMPLOYMENT

WHEREAS, A grateful Nation has, following each war, indicated its thanks to those who bore the battle by providing certain rights and benefits, one of which has been a small advantage when seeking Federal employment, and in retention of that employment; and

WHEREAS, Absence from the highly competitive job market due to military service creates an unfair and unequal burden on veterans in competing with their nonveteran peers upon completion of military service, which this preference in Federal employment is intended to partly overcome; now therefore be it

RESOLVED, By The American Legion in National Convention assembled in Honolulu, Hawaii, September 1, 2, 3, 1981, that The American Legion strongly support veterans preference in Federal employment as provided by a grateful Nation, and oppose any efforts to reduce this preference.

NATIONAL EXECUTIVE COMMITTEE
OF THE AMERICAN LEGION
INDIANAPOLIS, INDIANA

May 6-7, 1981

RESOLUTION NO.: 8

COMMITTEE : ECONOMIC

SUBJECT : REQUIRE POSTAL SERVICE TO COMPLY WITH ALL FEDERAL LEGISLATION APPLYING TO EMPLOYMENT OF VETERANS

WHEREAS, The Postal Reorganization Act of 1970 (codified as title 39, United States Code) provides under Section 1005(a)(2) that, "provisions of title 5 relating to a preference eligible shall apply to an applicant for appointment and any officer or employees of the Postal Service in the same manner and under the same conditions as if the applicant, officer or employee were subject to the competitive service under such title, "and that such provision, "shall not be modified by any program," or by "any collective-bargaining agreement entered into" by the Postal Service; and

WHEREAS, The Civil Service Commission in the past found the Postal Service in violation of the provisions of title 5, specifically in certain reorganization procedures in which the Postal Service refused to observe the rights of veterans as provided for in title 5, U.S. Code, but the Civil Service Commission claimed to lack power of enforcement of the above cited provision of the Postal Service Reorganization Act of 1970; and

WHEREAS, The Veterans Readjustment Appointment authority which permits Federal agencies to hire eligible Vietnam era veterans without requiring competitition in a regular civil service examination was extended by PL 95-520, October 26, 1978; and

WHEREAS, The Postal Service has violated the intent of Congress in providing this extra measure of help for Vietnam era veterans by entering into an agreement with the Postal Unions which terminated hiring of Vietnam era veterans under the Veterans Readjustment Appointment authority, thus eliminating a program under which 113,217 eligible veterans had been hired in the several government agencies over the period July 1970 through September 19, 1977, of which 3,593 were hired in the Postal Service, 2,316 of whom were converted to career or career-conditional status; now therefore be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 6-7, 1981, that The American Legion seek legislation and administrative action as required to provide that the Veterans Readjustment Appointment (VRA) program and any and all other present and future Federal legislation relating to the recruitment, employment and retention of veterans shall apply in the same manner and under the same conditions in the Postal Service as to other agencies for which such legislation shall be applicable.

SIXTY-SECOND ANNUAL NATIONAL CONVENTION
OF
THE AMERICAN LEGION
AUGUST 19-21, 1980
BOSTON, MASSACHUSETTS

RESOLUTION NO. : 428

COMMITTEE : ECONOMICS

SUBJECT : ASK U.S. POSTAL SERVICE TO PROMOTE USE OF NONCOMPETITIVE APPOINTMENTS OF DISABLED VETERANS

WHEREAS, The Civil Service Reform Act of 1978 provides for noncompetitive appointment of disabled veterans with 30 percent or more service-connected disability, and the United States Postal Service is covered by the Act; and

WHEREAS, Thousands of disabled veterans with 30 percent or more service-connected disabilities, including those of the Vietnam era have difficulties obtaining employment due to their disabilities, including employment in the U.S. Postal Service; and

WHEREAS, There is not a system in the U.S. Postal Service to monitor the applications of these individual veterans that apply for Postal Service employment; now therefore be it

RESOLVED, By The American Legion in National Convention assembled in Boston, Massachusetts, August 19, 20, 21, 1980 that The American Legion request the United States Postmaster General to issue the following rules or regulations that will help disabled veterans with 30 percent or more service-connected disabilities to receive the greatest possible use of the opportunities provided by the Civil Service Reform Act of 1978:

1. Require United States Postal Service to maintain a roster and report to the Office of the Postmaster General the names of eligible disabled veterans who apply for noncompetitive appointment under the provisions of the Act, as well as of eligible disabled veterans appointed with position in grade; and

2. Require the Postmaster General to direct each of the Federal, State and/or field area offices to publish and distribute monthly to United States Post Offices a list of names of those veterans with 30 percent or more service-connected disabilities requesting noncompetitive appointments, including the veteran's education, skills, and other brief details to assist the veterans in obtaining appointments.

NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION

INDIANAPOLIS, INDIANA, April 30 - May 1, 1980

RESOLUTION NO. : 15

COMMITTEE : ECONOMICS

SUBJECT : REQUIRE POSTAL SERVICE TO COMPLY WITH ALL FEDERAL LEGISLATION APPLYING TO EMPLOYMENT OF VETERANS

WHEREAS, The Postal Reorganization Act of 1970 (codified as title 39, United States Code) provides under Section 1005 (a) (2) that, " provisions of title 5 relating to a preference eligible shall apply to an applicant for appointment and any officer or employees of the Postal Service in the same manner and under the same conditions as if the applicant, officer or employee were subject to the competitive service under such title, " and that such provision, " shall not be modified by any program" or by " any collective-bargaining agreement entered into" by the Postal Service; and

WHEREAS, The Civil Service Commission in the past found the Postal Service in violation of the provisions of title 5 specifically in certain reorganization procedures in which the Postal Service refused to observe the rights of veterans as provided for in title 5, U.S. Code, but the Civil Service Commission claimed to lack power of enforcement of the above cited provision of the Postal Reorganziation Act of 1970; and

WHEREAS, The Veterans Readjustment Appointment authority which permits Federal agencies to hire eligible Vietnam era veterans without requiring competiton in a regular Civil Service Examination was extended by PL 95- 520, October 26, 1978; and

WHEREAS, The Postal Service has violated the intent of Congress in providing this extra measure of employment help for Vietnam era veterans, by entering into an agreement with the Postal Unions which terminated hiring of Vietnam era veterans under the Veterans Readjustment Appointment authority, thus eliminating a program under which 113,217 eligible veterans had been hired in the several government agencies over the period July 1970 through September 19, 1977, of which, 3,593 were hired in the Postal Service 2,316 of which were converted to career or career-conditional status; now therefore be it

RESOLVED, By the National Executive Committee of The American Legion on regular meeting assembled in Indianapolis, Indiana on April 30 - May 1, 1980, that The American Legion seek legislation and administrative action as required to provide that the Veterans Readjustment Appointment (VRA) program and any and all other present and future Federal legislation relating to the recruitment, employment and retention of veterans shall apply in the same manner and under the same conditions in the Postal Service as to other agencies for which such legislation shall be applicable.

STATEMENT OF THE DISABLED AMERICAN VETERANS, INC., DEPARTMENT OF COLORADO; PREPARED BY LENNOX E. GILMER, DEPARTMENT ADVOCATE, AND JAMES C. HUDSON, PROGRAM ANALYST

Mr. Chairman, Committee members and staff, we appreciate this opportunity to submit testimony regarding U.S. Postal Service Personnel practices. Our testimony will also touch briefly on other federal personnel practices.

The Disabled American Vetereans, Department of Colorado has attempted to expand its services to veterans beyond the traditional role of the Department Service Officer who works primarily in concert with National Service Officers with the Veterans Administration. These efforts have included the development of two staff positions at the Department level, 1) a Program Analyst responsible for working with other Department staff, agencies and legislative initiatives to review what appear to be systemic problems, and 2) a Department Advocate who is responsible for assisting and representing veterans as they attempt to use the programs and benefits to which they are entitled primarily outside the Veterans Administration system.

This testimony, then, is being prepared to bring to your attention issues which the Program Analyst and Department Advocate have identified which we believe may be addressed subsequent to these hearings. Additionally, it will be our purpose to provide considerable detail in support of the concerns expressed by our Disabled American Veterans National Office and in support of our testimony.

It should be noted that the Department Advocate has only been representing veterans through the administrative processes (E.E.O., Merit System Protection Board, etc.) since about April 15, 1981 so that this testimony may describe identified problems prior to that date but cannot always describe outcomes except for cases pursued after that date.

U.S. Postal Service (U.S.P.S.) Personnel Practices

For the most part our experience has been with the Denver Management Sectional Center whose Manager and Postmaster is Mr. Gary L. Packer. However, our discussions with the Disabled American Veterans National Office lead us to believe that the issues are not unique to Colorado but in fact reflect what is occurring nationally.

I. TITLE 5 UNITED STATES CODE SECTION 3312

In essence, this Section of the law requires:

1) That certain qualifications be waived for veterans and dependents who are eligible for 5 and 10 point preference if the qualification standard is not "essential to the performance of the duties" and if the preference eligible is "physically able to perform efficiently the duties of the position."

2) If a compensable service connected disabled veteran rated at 30 percent or more is found unsuitable by virtue of the fact that in the opinion of the U.S. Postal Service (or any other federal agency),
    a) They must notify the Office of Personnel Management of their decision;
    b) At the same time notify the individual of the reasons for the determination;
    c) Give the disabled veteran 15 days to respond;
    d) The Office of Personnel Management then shall require a demonstration that the notice was timely sent; and
    e) Before the selection of any other person for the position;

f) Make a final determination on the physical ability of the preference eligible to perform the duties of the position, considering also any additional information submitted by the disabled veteran; and

g) The Office of Personnel Management will then make a final determination on the physical abilities of the disabled veteran to fill the position.

Elements of this section of the law have been in place since 1966. This law has not been amended since October 13, 1978. The USPS in Postal Bulletin (PB) 21315, dated September 10, 1981 (attachment #1) -- nearly 3 years later -- gave implementing regulations to the field.

In fact, however, the USPS has partially implemented elements of this section of the law prior to PB 21315. Because we believe these marginal efforts will carry over into the revised process we bring our concerns to you.

On May 11, 1981, following a number of individual veteran complaints, the Colorado Department of the Disabled American Veterans sent a letter to Mr. Gary L. Packer, Management Sectional Manager (MSC)/Postmaster (attachment #2). That letter pointed out the lack of use of the waiver provisions and asked how the waiver provisions of Title 5, U.S.C. Section 3312 were being implemented by the USPS. The July 16, 1981, response from Mr. Packer answers by referring us to the Personnel Operations Handbook, P-11, -- which we do not have -- informing us of the responsibility of the appointing official to review the Medical Officers report "with a view toward reasonable accommodations of a handicap, where possible." They further claimed that they would remind the Medical Officer in Denver of the procedures. (attachment #3)

The May 11, 1981 letter included an example of a veteran who had lost the front half of his foot following his military service. While the waiver provisions were a legal mandate, in fact, the alternatives which had to be used in representing this veteran was a medical unsuitability appeal to the USPS Western Region Medical Officer and the filing of a handicap discrimination complaint through the USPS Equal Employment Opportunity Office (E.E.O.).

Fortunately, the Medical Officer at the USPS Western Region Office over-ruled the USPS Medical Officer in Denver so that the E.E.O. complaint also was resolved in favor of the veteran (attachment #4). The resolution was that the USPS give him the job for which he was qualified.

This same veteran started to work August 8, 1981 -- and with virtually no training -- was terminated with no written evaluations (in reprisal for his previous E.E.O. complaint) on August 21, 1981. On September 21, 1981 the USPS agreed to rehire this veteran (attachment #5), provide him proper training and adequate evaluations. The veteran is still employed by the USPS.

We believe that if the USPS routinely provided waivers, as mandated by law, this type of problem would be less likely to occur. Also, the veteran would not be losing wages while fighting through cumbersome administrative processes. Unfortunately, when Mr. Gilmer called Mr. Gene Garvey, Director of the Denver Employee and Labor Relations Sectional Center, as late as October 1, 1981, Mr. Garvey claimed to have no knowledge of any instance where the waiver provisions have been used by the Denver MSC.

The previously cited May 11, 1981 letter to Mr. Packer, MSC Manager, also pointed out that many of the medical unsuitability letters from the USPS only cite a medical condition as the reason for medical unsuitability. The medical unsuitability letters did not give the "reasons for the determination" as required by law.

For example, we have received medical unsuitability form letters which state nothing more than:

> A review of your medical records and evaluation by our medical officer revealed a personality disorder. This condition is not compatible with the physical and mental capabilities required for this position.

As an example of how far astray this problem can lead the USPS, we had a 20% service connected disabled veteran who was found medically unsuitable because of an unstable left ankle.

The veteran appealed the medical nnsuitability of the left ankle to the USPS Western Region Office and was found able to do the job but then he received a letter (attachment #6) dated May 14, 1981 which stated: "However, we will require a board certified psychiatric evaluation of your current nervous condition as reported by the V.A. Medical Center, Denver, Colorado." The letter also stated, "Based on medical information contained in your file, the Regional Medical Director will not approve you for postal employment at this time for the position of motor vehicle operator due to a history that you are currently under psychiatric evaluation."

The veteran has never had a problem with a "nervous condition." A May 21, 1981 letter from the Denver Veterans Administration Medical Center, signed by the Chief of Medical Administration Service states;

> This letter is to confirm that Mr.________ is not, at this time, under psychiatric treatment at the Denver V.A. Medical Center, and that his medical record does not contain data relative to psychiatric treatment in the past. (attachment #7)

Additionally, a letter from Dr. William G. Winter, Chief of Orthopedic Section, dated June 3, 1981 (attachment #8) was sent to USPS Western Regional Office which clearly established that the Denver V.A. Medical Center was not only not treating the appellant but also the VAMC was not aware of "any psychiatric diagnoses...."

What had now caused this veteran to be medically unsuitable was the fact that he recognized he was overweight and planned to seek personal counseling. This information was included in a statement in a letter from a V.A. orthopedics specialist written to the USPS Western Regional Medical Director to resolve the question regarding the veteran's ability to work on his unstable ankle. However, while the statement from the doctor was sufficient to satisfy all concerns regarding the ankle, now the veteran was unsuitable for psychiatric reasons.

In summary, these examples are used to show the importance of the law being carried out giving the "reasons for the determination."

We were able to win our case for the veteran once we knew why the USPS felt he was medically unsuitable, but a form letter which simply restates the medical problem is not adequate.

II. DISABLED VETERANS; NON-COMPETITIVE APPOINTMENT

We have been told by Mr. Gene Garvey, Director of Employee and Labor Relations, Denver Sectional Center that the USPS does not use the disabled veteran non-competitive appointment.

III. VETERANS READJUSTMENT APPOINTMENTS

For purposes of preparing this testimony, October 7, 1981, Mr. Gilmer called Mr. Gene Garvey, Director of Employee and Labor Relations, Denver Sectional Center, to ask if Employee and Labor Relations used the Veterans Readjustment Appointments. He explained that he didn't really know what it was and that they did not use it. Additionally, he states that they applied veterans preference on the register and did make handicap exceptional appointments.

IV. HANDICAP DISCRIMINATION

A number of issues have arisen, some systemic, some one time occurrences which we believe provide examples of the U.S. Postal Service level of understanding of the Rehabilitation Act of 1973 and -- at least in the Denver MSC -- their own policies.

Attachment number two to this testimony points out that the USPS District Medical Officer in Denver, Dr. Olson, at one time was finding veterans medically unsuitable because he felt that at some future date -- up to 20 years later -- the veteran may have a problem. Thus, the doctor did not restrict his medical opinion to whether or not the veteran could do the job, but was quite willing, without support of medical fact, to speculate about some 20 years hence. The doctor did not indicate how this person was to support himself until 20 years later when he might be eligible for Social Security Disability (this was a non-service connected disabled veteran) because he could not work nor did the doctor offer an opinion regarding what his own physical condition might be 20 years from this date. Additionally, the doctor did not offer to quit working because he may have a medical problem 20 years from now.

In fact, Dr. Olson's opinion was overturned at USPS Western Regional Office and the veteran is now working for the USPS.

In another example, one of the reasons one veteran was found medically unsuitable was the fact that the veteran had a 30% disability. Additionally, this veteran had a right kidney removed and bunions. Apparently because the veteran submitted her own personal statement regarding her medical condition, her medical unsuitability was upheld at USPS Western Region. (attachments #10 and #11)

The Disabled American Veterans is now representing her in an USPS/EEO complaint which was filed late to see if the USPS will allow the issue to be reconsidered.

A second medical opinion has found that there is no medical reason to believe that this veteran cannot walk the required 17 miles with the bunions and a single kidney.

The fact that the veteran was rated at 30% service-connected disabled (for the removal of her right kidney, and for bunions) should have never been a disqualifying factor. In this case it was a specific reason cited by the doctor to support his opinion that she was medically unsuitable.

Another veteran is rated 50% service-connected disabled -- in part because of the loss of his left eye in the military. The veteran applied for a job as a letter carrier. After testing, when he was called in for a selection interview, Mr. Frank

Lujan, Employment Officer, Employee and Labor Relations, Denver MSC refused to interview him. When the veteran objected and requested to speak to Mr. Lujan's supervisor, Mr. Lujan refused. Mr. Lujan did not provide a proper medical unsuitability notice to the veteran, nor did he inform the veteran that he had any appeal right.

Attachment #12 shows that, in fact, the USPS job announcement clearly provides for a person with only one eye to be a mail carrier.

Additionally, in violation of Code of Federal regulations Title 29, Section 1613.706 (E.E.O. Commission Handicapped Regulations) which prohibits pre-employment physical examinations, this veteran has now been given a physical examination, but may not have been selected for a job. Ironically, the examining USPS Medical Officer, found the veteran medically suitable while recording the loss of the eye as a medical condition. (attachments #12 and #13)

As pointed out earlier, this veteran could have been put to work following appointing authority review. Certainly, the waiver provisions should have been considered. This veteran is still waiting for the job that the USPS policy, job announcement and Medical Officer says he can do. He was denied the interview on April 17, 1981 -- nearly 7 months ago. (attachment #14)

The Disabled American Veterans is now representing this veteran in an E.E.O. complaint and medical unsuitability appeal. The medical unsuitability appeal has been pending since August 4, 1981 -- two months.

As we have pursued a number of complaints, a number of systemic peoblems have presented themselves.

One of them has been the penchant of Mr. Don Graham, Director of Customer Services, Denver MSC to establish unwritten local "policies" or instructions which may exceed the national office policies which all U.S. Postal Service employees are obligated to enforce.

For example, Mr. Graham has established an unwritten policy which provides for USPS probationary employees in his division to be terminated if they have a preventable accident. According to Mr. Graham no extenuating circumstances are to be considered. According to Mr. Gene Garvey, Director of Employee and Labor Relations, Denver MSC, he understands that Mr. Graham wishes there to be no extenuating circumstances considered. However, Mr. Garvey claims there is a case by case review. Mr. Garvey is unable to cite any extenuating circumstances that would carry any weight in the case by case review. Mr. Graham has the final say -- not Mr. Garvey -- as to who will be retained and who will be terminated. (attachment #15)

The effects of the termination policy have been felt by one disabled veteran who was terminated when, as a probationary employee, he was terminated because he damaged a car to the estimated amount of $10.00. This probationary employee has worked continuously for the federal government for over six years. This employee was considered a good employee until he got to the USPS. Because he was on probationary status because he had transferred into the USPS from the Veterans Administration and because he had a $10.00 accident, he is now unemployed. He has lost any benefits or other consideration due him as a federal employee with over six years federal ployment.

Both Mr. Gilmer and Mr. Hudson, Disabled American Veterans employees, called Mr. Gene Garvey and Mr. Graham. Both Mr. Garvey and Mr. Graham agreed that if this disabled veteran had not been a probationary employee, they could not have fired him by this unwritten "policy." **Both Mr. Graham and Mr. Garvey agreed** that this unwritten "policy" probably exists no where else in the USPS system or in the federal government for that matter. Additionally, even in the Denver MSC, this rule only affects Mr. Graham's personnel. Both Mr. Graham and Mr. Garvey agreed that this was a higher standard than was required of non probationary employees, but that they could get away with this kind of requirement because probationary employees are not covered by union contract.

Mr. Garvey went on to say to both Mr. Gilmer and Mr. Hudson that probationary employees are commonly expected to function at a higher standard than regular employees in all areas. Furthermore, he stated that the higher standards which probationary employees are held to are up to the discretion of the first line supervisors with review up the line of supervision.

Thus, Mr. Graham has established an unwritten "policy" by which probationary employees will be terminated. This policy exceeds any postal service policy, holds probationary employees to a higher standard than regular employees, and is probably unique to his division among all other federal jobs. Thus, two USPS employees, one on probation, and the other who has completed probation and/or is assigned to another division, working side by side will be treated differently even if they had preventable accidents under exactly the same circumstances, regardless of what the circumstances were.

Another unwritten "policy" attributed to Mr. Graham, by Mr. Frank Lujan, Employment Officer, Employee and Labor Relations, Denver MSC was a policy which said that no person with work restrictions could be moved into Mr. Graham's division.

I became aware of Mr. Lujan's interpretation of Mr. Graham's policy because a disabled veteran -- suffering from gun shot wounds in the back received in Vietnam -- claimed that Mr. Lujan told him that he could not transfer to Mr. Graham's division. The veteran had medical restrictions indicating only that he could not work overtime. When Mr. Gilmer, Disabled American Veterans, Department Advocate called Mr. Lujan regarding the alleged policy, Mr. Lujan confirmed that he would not allow the veteran to transfer because Mr. Graham had a "policy" against transfers of any people who had any medical restrictions, even if it was only against overtime work. Mr Lujan referred Mr. Gilmer to Mr. Graham for more information.

When Mr. Gilmer attempted to call Mr. Graham regarding this policy, Mr. Graham had to return Mr. Gilmer's call. Mr. Graham refused to answer any questions, ordered Mr. Gilmer not to call any of his staff regarding USPS policies, his "policies," or personnel actions. Mr. Graham then hung up. This problem will be dealt with in more detail later in this testimony.

Later, Mr. Gene Garvey called back to respond to Mr. Gilmer's question by stating no such policy existed. However, Mr. Garvey offered no explanation as to why his employment officer, Mr. Lujan, had refused the disabled veteran the transfer.

Because of the general concern regarding reprisal -- a concern shared by the veteran and the Disabled American Veterans -- this issue was dropped. In fact, as the testimony will show later, elements of this case became a test of wills between the USPS, Denver MSC and the Colorado Department of the Disabled American Veterans. We did not want the veteran crushed in this exercise.

However, once again, the unwritten "policy" was used to the detriment of USPS employees -- in this case a disabled veteran. We believe this "policy," if true, would have a serious violation of the Rehabilitation Act of 1973. We also believe any such policy put in writing would have been at such odds with USPS national policy regarding "reasonable accommodations" for handicapped workers, that it would have been reversed at a higher level.

As it stands, we know of at least one case where Mr. Lujan claimed to be carrying out an unwritten "policy" and potentially violated a handicapped person's -- disabled veteran's -- rights. We don't know how many others may have been affected or why Mr. Lujan believed such an unwritten "policy" existed. He certainly acted on his beliefs to the detriment of others.

V. UNLIMITED REQUEST OF VETERANS ADMINISTRATION MEDICAL CENTER RECORDS/ VETERANS ADMINISTRATION RESPONSE

As the May 11, 1981, letter to Mr. Gary Packer, Denver MSC Manager/Postmaster (attachment #2) points out, whenever a disabled veteran applies for work with the USPS he/she must sign a release authorizing the USPS to obtain "a copy of the latest medical survey, if one has been made within the last two years, will be sufficient. In (sic) no such copy is available, a full statement of disabilities disclosed in any physical examination recorded in the applicant's file is requested." (P.S. Form 5902, June 1971, Attachment #16)

Because disabled veterans may be treated for a broad range of illnesses at a V.A. Medical Center, and because that record follows the disabled veteran wherever he or she may go, this broad release authority has created serious problems for the veteran.

The Veterans Administration has not restricted information released to only the two years, and since the USPS asks for "a full statement of disabilities disclosed in any examination....", the Veterans Administration does not restrict its response to service connected disabilities, job related disabilities or observe any other common restrictions.

Additionally, the Veterans Administration is warned, "PLEASE EXPEDITE -- HIRING CONSIDERATION PENDING RECEIPT OF VA RECORDS."

Then, depending on the physician's integrity, competence and understanding of handicapped discrimination laws, the USPS Medical Officer can find a veteran medically unsuitable for medical conditions which are so old that they have been cured and for medical conditions which have nothing to do with the veterans ability to perform the job.

Prior testimony, of course, showed medical unsuitability findings because of psychiatric evaluations that did not exist, bunions and kidney removals that are no longer a problem, and even because the veteran had a 30% service connected disability rating -- never mind what the medical condition was.

People who are not disabled veterans receive protection under CFR Title 29, Section 1613.706 which restricts all pre-employment inquiries to "an applicant's ability to meet the medical qualifications requirements, with or without reasonable accommodations, of the position in question, i.e., the minimum abilities necessary for SAFE and efficient performance of the duties of the position in question."

Thus, for any applicant but a disabled veteran, the USPS, and any other federal agency cannot, by regulation, obtain information which is not first volunteered by the applicant, and second related to the medical qualifications requirements for the specific job being applied for.

As has been previously shown, these safeguards, which by the USPS policy have been violated, have obviously worked to the detriment of disabled veterans.

In effect, those laws which should be used by the USPS to aid disabled veterans are -- in some cases -- actually being used to their detriment.

We believe that, relative to the blanket approach of the USPS V.A. medical records request, the intent of CFR Title 29, Section 1613.706 is being violated. We object to disabled veterans being singled out for this special treatment by the USPS, especially because of the USPS record which shows an obvious willingness to misuse this otherwise confidential information.

Because of the USPS abuses, there is a clear nee to limit the USPS inquiries to job related medical inquiries which document only the present condition of the disabled veteran.

VI. U.S.P.S. LEVEL OF COOPERATION

Although the Colorado Department of Disabled American Veterans has only been representing veterans -- on a continuous basis -- in the administrative processes regarding the U.S.P.S. for approximately five months, 47% of the administrative actions filed against federal, state, county, community agencies and the private sector were filed against the USPS, 51% of the E.E.O. complaints have been filed against the USPS, 80% of the E.E.O. complaints were handicapped discrimination complaints most of which involved disabilities obtained in the military.

As might be expected, because the Colorado Department of the Disabled American Veterans is so actively working with veterans to insure that their rights are protected, some postal service employees have become vindictive, obstructive, and belligerent.

For example, as previously cited, following the overturning of a medical unsuitability finding and a resolution of an E.E.O. complaint which favored a veteran, he was terminated in an act of reprisal.

Additionally, as previously cited, when Mr. Don Graham, Director of Customer Services, Denver MSC was asked questions about an unwritten "policy" which was attributed to him, he refused to answer any questions, ordered Mr. Gilmer not to call his staff and hung up. It should be noted that Mr. Graham is the second highest official in the largest Management Sectional Center in the Rocky Mountain District. Mr. Graham, under the supervision of Mr. Gary L. Packer, Manager of the Denver MSC/Postmaster is allowed to initiate unwritten "policies" which appear quite arbitrary in their effect, and certainly create disparate treatment of employees similarly situated, often without regard to any extenuating circumstances.

Thus, this public employee, who refused to answer questions regarding "policies" which should be public -- which he is responsible for developing and initiating -- from members of the public who have a right and need to know, is one of the most prominent USPS officials in the state of Colorado.

Mr. Gilmer filed a complaint (attachment #17) on Disabled American Veterans letterhead dated September 16, 1981 with Mr. Graham's supervisor, Mr. Gary L. Packer.

Mr. Packer wrote back an apology (attachment #18), dated September 23, 1981, but failed to indicate what the USPS would do with this complaint and did not say whether or not Mr. Graham would be required to answer reasonable questions. Additionally, Mr. Packer's letter attempted to restrict all calls to the Division of Employee and Labor Relations, and then himself, but in that order.

Mr. Packer then published a Management Brief dated September 22, 1981, No. 47 (attachment #19), signed by him which stated at Index Number 422 the following:

> 422. Disabled American Veterans (DAV)
>
> Inquiries from Mr. Lenox (sic) Gilmer of the Disabled American Veterans (DAV) should be referred to the E.& L.R. Division, 837-3376.
>
> (Gene Garvey, S.C.
> Director, E.& L.R., 9/15/81)

When Mr. Gilmer called Mr. Garvey on October 1, 1981, Mr. Garvey -- in response to questions from Mr. Gilmer -- indicated that the Management Bulletin was directive in nature and that if any postal employee answers any inquiries from Mr. Gilmer those postal employees would be in violation of the directive.

Thus has the Denver MSC Manager/Postmaster, Mr. Gary L. Packer and the Director of Customer Services, Denver MSC, Mr. Don Graham, responded to the Disabled American Veterans and Mr. Gilmer, our agent, as he attempted to resolve issues affecting veterans he represented in an effort to insure their rights were carried out by the USPS Denver MSC.

VII. DISABLED VETERANS PREFERENCE IN FEDERAL REDUCTIONS IN FORCE

Title 5 United States Code, Section 3301 excludes certain veterans preference eligibles from receiving preference in reductions in force from their federal employers.

In effect, if the veteran was retired with 20 or more years service and was not employed by the federal government on November 30, 1964 without a break in service of 30 days or more, the veteran only receives preference if he was retired for a disability.

1) "resulting from injury or disease received in line of duty as a result of armed conflict; or
2) "caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by Sections 101 and 301 of Title 38..."

The Office of Personnel Management, by regulation, has assigned the responsibility of determining item one and two above to the military department in which the veteran served. Thus, the federal employing agency does not have the authority to determine whether or not a disability retired veteran is eligible for preference in a reduction in force without the military department decision.

However, in the case of the U.S. Fish and Wildlife Service in their regional office in Denver, a disabled veteran was terminated by them prior to their getting the appropriate information from the proper military department. In this particular case, the veteran had 20 years military service and was retired for longevity so the veteran was properly terminated. However, this information only became available after the veteran was terminated.

Our concern is that this problem has been brought to our attention several times but at least some of the federal personnel offices still are terminating disabled veterans without preference without the proper authority to do so. We believe this problem will be more prominent as the federal government continues, and in some cases increases, its reduction in force.

Suitability Determinations—Veterans With 30% or More Disability

Public Law 95–454 established a right of review by the Office of Personnel Management (OPM) for an agency determination involving the suitability of veterans who are 30% or more disabled. The review process is automatic and mandatory. Until the review by OPM is accomplished in a particular case, a position must be reserved for the individual veteran in case the finding of the USPS is not upheld.

Portions of subchapters 260 and 320 of Handbook P–11, *Personnel Operations,* have been amended to provide instructions for implementation of this new requirement. These procedures are effective immediately and should be filed in Handbook P–11 until the next transmittal letter is issued.

The procedure requires the use of a new form, SF–62. An initial supply of this form will be sent to each MSC.

Questions concerning this procedure should be addressed, through normal channels, to the General Manager, Employee Relations, in the appropriate regional office.

260 Employment and Placement

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265.7 Objection to or Pass Over of Preference Eligible

.71 All Veteran Preference Eligibles EXCEPT CPS

.711 Preparation. Whenever it is proposed to object to a preference eligible for other than medical reasons, or pass over a preference eligible and appoint a nonpreference eligible, the appointing official must prepare written reasons that justify the proposed action. (See 327 for objections for medical reasons.)

.712 Review and Concurrence. These reasons must be reviewed and concurred in by the SC Director, E&LR, (Director, Support, where the former is not authorized). If the position to be filled is in the sectional center, the review and concurrence of the District Director, E&LR is required. The reviewing official will rule as to the sufficiency of the reasons for the proposed objection or pass over. The Director's concurrence or denial of the proposal must be indicated on the written request along with the authorized signature and date. The request must then be attached to the Hiring Worksheet.

.713 Reasons for Objection or Pass Over. The only acceptable reason for passing over a veteran preference eligible, and appointing an eligible without veteran preference is the possession of evidence that indicates the preference eligible fails to meet suitability requirements (see Chapter 3). For example: The veteran is being considered for a mailhandler job. While previously employed as a casual mailhandler a short time ago, the veteran's performance was clearly unsatisfactory and was so documented. This could be considered a valid reason for passing over the veteran and appointing a nonpreference eligible lower on the register.

.714 Procedure

a. Time Limits. If the Director cannot act on the request in time to permit the Hiring Worksheet to be returned to the issuing office within 21 days, the desired final action may be shown on the Hiring Worksheet. However, at least one appointment for each proposed pass over of a preference eligible must be reserved until the Director's decision is received. If the Director denies the request, the proposed objection or pass over may not be effected.

b. Appeal. Any preference eligible objected to, or passed over in favor of a nonpreference eligible, will be given the reasons for this action and will be informed of his appeal rights to the Region (see 315.3). The Region's decision is final.

.72 CPS (Veterans with 30% or more Compensable Disability)

.721 General. When it is proposed to pass over a CPS veteran to select a nonpreference eligible in the same "group of three" the CPS eligible must first be afforded the right of an OPM review as described below. *A non-medical objection to a CPS eligible that does not result in a pass over is handled in accordance with 265.71.* The appointing official must hold a position open until a final decision is furnished by OPM.

.722 Action by Installation. The appointing official forwards to the Regional General Manager, Employee Relations Division a file containing:

a. A completed SIDE A of SF–62 in triplicate;

b. A copy of the eligible's Form 2591, *Application for Employment*;

c. A copy of all information relied upon to support the pass over, and

d. A signed, undated written notice to the eligible; this notice must:

(1) Advise the eligible that the pass over is proposed and explain the reasons for it;

(2) Specify the name of the installation, position title, grade, and hiring worksheet number;

(3) Advise the eligible of the right to respond in writing within 15 days of the date of the notification to: Office of Personnel Management, Bureau of Investigations, Division of Adjudication, Room 603H, 1900 "E" Street, N.W., Washington, DC 20415.

(4) State that OPM will notify the eligible of its decision on the proposed pass over.

.723 Action by the Region

a. Upon receipt of the file from the appointing official, the Regional General Manager, Employee Relations Division will review the file for completeness and adequacy of supporting documentation.

b. If the Region finds that the file *does not* adequately support the tentative rejection, it will advise the appointing official to appoint the eligible, or furnish additional relevant and material information.

c. If the Region finds that the file *does* adequately support the tentative rejection, it will:

(1) Date the notice to the veteran (which was previously prepared and signed by the appointing official) and send it to the veteran by certified mail, return receipt requested.

(2) Send the SF–62, a copy of the written notice to the veteran, Form 2591, and all supporting documentation upon which the disqualification was based to OPM. Materials must be sent in a double envelope with the inside envelope marked *Confidential.* Send via a certified mail, return receipt requested, to: Of-

fice of Personnel Management, Bureau of Investigations, Division of Administration, Room 803H, 1900 "E" Street, N.W., Washington, DC 20415.

(3) Steps (1) and (2) above will be completed within 10 calendar days.

.724 Action by OPM

a. If OPM sustains the reasons for pass over of the CPS veteran, the application and one copy of the SF 62 are immediately returned to the Regional General Manager, Employee Relations Division, and another copy of the SF 62 is concurrently forwarded to the appropriate installation. The appointing official may then take action to select the nonpreference eligible.

b. If OPM does not sustain the reasons for the request to pass over the CPS veteran, the appointing official may submit more detailed information to the region. If the region determines that the circumstances warrant reconsideration by OPM, the same submission procedures will be followed, again giving the CPS eligible 15 days to respond to the more detailed information. If OPM does not sustain the reasons for the proposed pass over, the appointing official may not pass over the preference eligible.

320 Medical Suitability

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321 General Information

321.2 Definitions

.21 Postal

.211 Postal Medical Officer. A postal medical officer (referred to here as Medical Officer) is a duly licensed physician who is a postal employee attached to a postal installation with medical responsibilities in that postal installation and/or other post offices in the area.

.212 Medical Facility Nurse. A nurse who is a postal employee attached to a postal installation with medical responsibility in that installation which includes review of routine pre-employment Forms 2485, *Certificate of Medical Examination.*

.213 Contract Physician. A duly licensed physician or clinic under written agreement with the Postal Service to provide specified medical services in a geographical area not covered by a postal medical officer.

.214 Medical Facility. A Postal Service medical or health unit, or the office of a contract physician.

.215 Pre-employment Medical Examination. A medical examination conducted by a duly licensed physician for the purpose of providing management with information concerning the medical suitability of a selected eligible's ability to physically or mentally perform in a specific position. Form 2485 is used for this purpose.

.22 Non-Postal

.221 Federal Medical Officer. A duly licensed physician who is a government employee, civilian or military, paid on a salary basis, e.g., U.S. Public Health Service, Veterans Administration physicians.

.222 Private Physician. A duly licensed physician who is not a postal medical officer, a contract physician, or a federal medical officer.

.223 Duly Licensed Physician. A doctor of medicine or osteopathy (referred to here as physician) currently licensed to practice in any state or territory of the United States.

.224 Office of Personnel Management—Medical Division. The authority for review of 30% or more disabled veterans medical files when office objects to hiring CPS veteran for medical reasons (*medical objection* is synonymous with disqualification for medical reasons).

.23 CPS, CP, CP* Veterans

.231 CPS means a CP veteran whose percentage of disability is 30% or more.

.232 CP means a veteran with a service-connected, compensable disability of less than 30%.

.233 CP* is a veteran with a service-connected compensable disability, but the percentage of disability is unknown.

.24 SF–62. Form used to reject a CPS veteran for medical reasons.

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324 Requesting Medical Suitability Determination

324.1 Responsibility

.11 USPS medical personnel are responsible for making medical suitability determinations.

.12 OPM makes final medical determinations in cases of CPS veterans entitled to right to review process.

• • • • •

Change section 326.4 Medical Unsuitability to the following:

327 Medical Unsuitability

327.1 Nonveterans and Veterans with Less than 30% Disability

.11 Basis for Determination

.111 Any determination of medical unsuitability must be fully documented by the medical officer, and be based on objective clinical indications or laboratory results whenever possible. A determination of unsuitability will include a description of the applicant's physiological and/or psychological disability(ies) in lay terms, as they relate to the specific requirements or duties of the position which the applicant cannot perform.

.112 The medical officer's discussion of limitations will also be considered by the appointing official in reviewing any possible reasonable accommodation of a handicap that may be contemplated.

.12 Appointment Decision. An appointing official's decision not to make an appointment because of medical reasons must be based on a determination of medical unsuitability by the examining or reviewing medical officer. If the appointing official wishes to take a course of action contrary to the determination of the examining or reviewing medical officer, and the matter cannot be resolved locally, the case may be sent through channels to the Regional General Manager, Employee Relations Division, for further medical review by the Regional Medical Director. Copies of all medical records involved must be sent directly from the medical officer to the Regional Medical Director.

.13 Notification. When a medical officer determines that an individual is medically unsuitable, and the appointing official decides against appointment, advise the individual in writing of the specific reasons. Also provide an explanation of the right to appeal within 15 days to the Regional General Manager, Employee Relations Division and supply address to which an appeal may be sent. Advise the individual that the appeal must be in writing, and may include additional medical or other relevant information in support of the appeal. Appeal rights are extended to all persons found medically unsuitable, including eligibles on entrance registers, persons requesting transfer or reinstatement, etc. See Appendix D–7.

.14 **Final Decision.** The Regional General Manager, Employee Relations renders a decision on any such appeal, after reveiwing the recommendation of the Regional Medical Director. There is no further right to appeal. The written appellate decision will be sent to the individual by the Region, with a copy to the installation.

327.2 Disabled Veterans with 30% or More Disability (CPS)

.21 Basis for Determination

.211 When it is proposed to remove from appointment consideration a CPS veteran whose physical or mental capabilities are insufficient for him to perform the duties of the specific position, the tentative determination is made by the USPS Medical Officer. This determination must be fully documented and based on clinical findings from physical examination results, laboratory data, VA files, assessment of present status of specific medical condition, and risk-related factors where applicable.

.212 The Medical Officer's preliminary finding of limitations will also be considered by the appointing official in reviewing any possible reasonable accommodation of a handicap that may be contemplated.

.22 Right to Review

.221 When a tentative determination is made that a CPS veteran is not medically suitable he is afforded the right to an OPM review as described below. The appointing official must hold a position open until a final decision is furnished by OPM.

.222 ***Action by Installation.*** As soon as possible after the adverse medical suitability is made, the appointing official must forward to the Regional General Manager, Employee Relations Division, a file containing:

a. A completed side B of SF–62 in triplicate.

b. A copy of the eligible's Form 2591, *Application for Employment.*

c. A copy of all information relied upon to support the adverse medical suitability determination.

d. A signed, undated written notice to the eligible; this notice must:

(1) Advise the eligible that he does not possess the necessary medical qualifications for the position by identifying the eligible's critical medical inadequacies in relationship to work environment or physical demand factors such as those identified on Form 2485.

(2) Include a copy of position description.

(3) Advise the eligible of the right to respond in writing within 15 days of the date of the notification to: Office of Personnel Management, Attention: Pre-Employment Section, Medical Division, 1900 E Street, N.W., Washington, DC 20415.

(4) State that OPM will notify the eligible directly of its decision.

.23 Regional Action

.231 Upon receipt of the file from the appointing official, the Regional General Manager, Employee Relations Division will review the file for completeness and adequacy of supporting documentation.

.232 If the Region finds that the file *does not* adequately support the tentative rejection, it will advise the appointing official to appoint the eligible, or furnish additional relevant and material information.

.233 If the Region finds the file *does* adequately support the tentative rejection, it will:

a. Date the notice to the veteran (which was previously prepared and signed by the appointing official) and send it to the veteran by certified mail, return receipt requested.

b. Send the SF–62, a copy of the written notice to the veteran, Form 2591, and all supporting documentation upon which the disqualification was based to OPM. Materials must be sent in a double envelope, with the inside envelope marked *Restricted—Medical.* Send via certified mail, return receipt requested, to the Office of Personnel Management, Attn: Pre-Employment Section, Medical Division, 1900 E Street, N.W., Washington, DC 20415.

Note: Steps *a* and *b* must be completed within 10 calendar days.

.24 OPM Decision

.241 If the OPM's medical officer sustains the reasons for the tentative rejection, the application and one copy of the SF–62 are immediately returned to the Postal Service (Regional General Manager, Employee Relations Division) and another copy of the SF–62 is concurrently forwarded to the appropriate postal installation. The appointing official may then remove the eligible from the hiring worksheet, and appoint another eligible. The CPS veteran is likewise sent a notification by the OPM of the final determination. This notification will also inform the eligible of his right to request further review of the OPM's determination of eligibility for future hiring worksheets, if he has additional medical evidence to support the request.

.242 If the OPM's medical officer does not sustain the reasons for the tentative rejection, the appropriate notations are made on the SF–62 and a copy of that form, with all attachments, is returned to the Regional Office, and another copy of the SF–62 is concurrently forwarded to the appropriate postal installation. The OPM will also notify the CPS eligible of its determination.

.25 **Final Action.** Upon receipt of OPM's decision not to sustain the medical rejection, the appointing official may submit more detailed, or additional evidence to the regional office in further support of the disqualification. If the region determines that the circumstances warrant reconsideration by OPM, the same submission procedures will be followed, again giving the CPS eligible 15 days to respond to the more detailed information. However, until a final OPM determination has been received, the installation must hold a position for the eligible. If OPM does not sustain the appointing official's determination the eligible must be processed for appointment.—*Employee Relations Dept., 9–10–81.*

Attachment #2

DEPARTMENT OF COLORADO
DISABLED AMERICAN VETERANS, INC.
1400 SOUTH FEDERAL BLVD. · DENVER, COLORADO 80219 PHONE 936-8208

Donald L. Pruitt, Sr.
Department Commander

John Wiedeman
Department Adjutant

Percy Newell
Sr. Vice Commander

Ervin Schiepp
1st Jr. Vice Commander

McKinley J. Norman
2nd Jr. Vice Commander

John Bickerton
3rd Jr. Vice Commander

Gerald D. Emery
Treasurer

Peter L. Dye
Judge Advocate

Larry Norman
Jr. Past Commander

May 11, 1981

Mr. Gary L. Packer
Sectional Center Manager/Postmaster
U.S. Post Office
18th & Stout Street
Denver, Colorado 80202

Dear Mr. Packer:

The Disabled American Veterans continues to be concerned about veteran hiring in the postal service..

At this time our office is receiving a large number of complaints from veterans who have applied for employment, tested and passed and have even been given a date to start work only to be found medically unsuitable. This is not only inconvenient but has lead, in some cases, to the veteran quitting a different job to start work for the U.S. Post Office only to find he has no job at all.

When on April 29, 1981, I called Dr. Olson, the doctor who performs the medical examinations for the U.S. Post Office in Denver, regarding a veteran with a partial amputation of the foot regarding the Dr.'s findings of medical unsuitability, the Dr. indicated that this individual could do the job for weeks, months, even years but by 20 years this person may have a problem. When I asked Dr. Olson what specific problems he expected to arise he simply referred me to his previous comments.

The example described above is common. No letter notifying a veteran of their medical unsuitability, seen by the Colorado Department of the Disabled American Veterans, has yet detailed the problem expected to arise if the veteran were to be hired to fill the position. The letter simply restates the existing disabilities which are already known.

As well, there are no known examples of the U.S. Post Office waiving certain physical requirements for disabled veterans although required to by Section 3312 of Title 5 U.S. Code.

That section of Title 5 U.S. Code further requires that the disabled veteran who is rated at 30% or more be notified "of the reasons for the determination" of medical unsuitability and "before the selection of any other person for the position (the agency must) make a final determination on the physical ability of the preference eligible to perform the duties of the position taking into account any additional information provided" in the appeal. (Emphasis added).

"To aid and assist worthy war-time disabled veterans, their widows and orphans"
(From the D.A.V. Constitution Preamble)

At this time the U.S. Post Office automatically has each disabled veteran sign a release for the U.S. Post Office to request "a copy of the latest medical survey, if one has been made within the past two years, will be sufficient. In (sic) no such copy is available, a full statement of disabilities disclosed in any physical examination recorded in the applicant's file is requested." (P.S. Form 5902, June 1971, Attachment #1) At the bottom of the form is a statement "PLEASE EXPEDITE -- HIRING CONSIDERATION PENDING RECEIPT OF VA RECORDS." The implication being that the individual will not be hired until the VA records are received. This type of broad medical records release required of disabled veterans is apparently not required of any other group of people. At this time we believe that this blanket release may be too broad and if it is being honored without constraint, by the V.A., the V.A. may be in violation of the privacy act.

At this time we are concerned that previous medical conditions that have been corrected, even years ago, may be being used by the U.S. Post Office to find disabled veterans medically unsuitable.

It should be noted that Dr. Olson, in my conversation with him on April 29, 1981 was unaware of any requirements that physical requirements be waived for disabled veterans.

On April 30, 1981 during a meeting regarding the informal resolution stage of an Equal Employment Opportunity complaint filed against the U.S. Post Office, by a disabled veteran, Mr. Eustace Boyer, Manager Employer Relations, indicated that, "Because they (disabled veterans) have a disability does not mean that they are handicapped." This question arose when the representative for the complainant asked if efforts would be made to provide "reasonable accommodations" as required by the Rehabilitation Act of 1973.

Mr. Boyer continued by saying that the U.S. Post Office only accepts as handicapped those individuals who have been certified handicapped by the Colorado Division of Rehabilitation.

The following requests and questions arise from the previous narrative:

1. Is the signing of a V.A. medical release (P.S. Form 5902) required of either veterans or disabled veterans for them to be considered for employment by the U.S. Postal service?
2. If either the veteran or the disabled veteran refuses to sign the V.A. medical request will the U.S. Postal Service consider hiring the veteran?
3. If the V.A. fails to provide the information will be the U.S. Postal Service consider hiring the veteran?

4. Please provide this organization a copy of the 1980 and 1981, Affirmative Action Plans. If the Handicapped Affirmative Action Plan required by the Rehabilitation Act of 1973 is separate, please provide copies of both plans for each year.

5. Please provide a copy of any and all regulations, policies and manuals that define handicapped individuals for the U.S. Post Office.

6. Please indicate how the waiver provisions in Title V, U.S. Code of the of the physical requirements are being or are to be implemented. Who would grant such a waiver? How would that person be notified of the need for a waiver? Will Dr. Olson be informed of that process?

7. In the case that a disabled veteran is not hired for a position for which he or she is otherwise qualified except that the individual is medically unsuitable, do you hold that position unfilled until following the appeal and final determination is required by Title V, U.S. Code Section 3312?

8. Please provide the numbers of individuals, by category - total, veteran, disabled veteran - who have received a medical examination in your Sectional Center for the past three years. Please break that information out for each year.

9. Please provide the numbers of persons denied employment by the U.S. Postal Service for reasons of medical unsuitability for your Sectional Center by year for the past three years. Please indicate the above information for veterans and disabled veterans. Please break out the above information by the year.

10. How many waivers of physical requirements have been granted to disabled veterans as required by Title V, Section 3312? Within the past three (3) years? Please break out this information by the year.

11. Please provide a copy of each of the following items:

    a) The Employee and Labor Relations Manual
    b) The Postal Operations Manual
    c) Personnel Operations Handbook
    d) The 1978-1981 National Agreement (Between U.S. Postal Service and the Union)
    e) U.S. Postal Service Organizational Charts for the National, Western Regional, District, and Sectional levels.

Your prompt response to these requests and questions will be greatly appreciated.

Sincerely,

Lennox E. Gilmer
Department Advocate

cc: U.S. Senator Alan K. Simpson, Chairman, Committee on Veterans Affairs, U.S. Senate
U.S. Representative G.V. (Sonny) Montgomery, Chairman, Committee on Veterans Affairs, U.S. House of Representatives
U.S. Senator Gary Hart
U.S. Senator William L. Armstrong
U.S. Representative Patricia Schroeder
U.S. Representative Timothy Wirht
U.S. Representative Ken Kramer
U.S. Representative Ray Kogovsek
U.S. Representative Hank Brown
Mr. Ron Drach, National Employment Director, Disabled American Veterans
Mr. Mansell G. Piper, Medical Center Director, Denver Veterans Administration Medical Center
Ms. Doris Besikof, Attorney At Law
Mr. Randy Chapman, Attorney At Law, Legal Center for Handicapped Citizens
Ms. Beverly N. Ballantine, Attorney At Law

UNITED STATES POSTAL SERVICE

OUR REF: **DATE:**

SUBJECT: Request for VA Medical Survey

TO:

Veterans Administration
Denver Federal Center
Denver, CO 80225

PLEASE RETURN A COPY OF THIS FORM WITH YOUR REPLY

Sir:

The Postal Service requests, for the confidential consideration of its medical officers, information relative to the percentage of disability and the nature of the disabilities, both service and nonservice-connected, of the veteran identified below, who has filed application for a Postal Service position.

NAME AND ADDRESS		DATE OF BIRTH
POSITION	CLAIM NUMBER	MILITARY SERVICE

A copy of the latest medical survey, if one has been made within the past two years, will be sufficient. In no such copy is available, a full statement of disabilities disclosed in any physical examination recorded in the applicant's file is requested.

You may be assured that this information will be maintained in confidence.

These medical records need to be returned to:

Donald M. Olson, M.D.
United States Postal Serv.
Terminal Annex-Room 205
1501 Wynkoop
Denver, CO 80202

for Gary L. Packer, Postmaster
Denver, CO 80202

U. S. Postal Service

PLEASE EXPEDITE -- HIRING
CONSIDERATION PENDING
RECEIPT OF VA RECORDS

PS Form 5902
June 1971

Attachment #3

United States
Postal Service

July 16, 1981

*Mr. Lennox E. Gilmer
Department Advocate
Disabled American Veterans, Inc.
1400 South Federal Boulevard
Denver, CO 80212*

Dear Mr. Gilmer:

This is in response to your memo dated May 11, 1981. Through consultations with Postal Headquarters, Regional and District officials, I am able to respond to the issues raised by you in your memo of May 11, 1981.

An individual's medical fitness for employment is best determined when USPS medical personnel have full particulars concerning the individual and the duties of the specific position to be filled. Sources of medical information can be from the prospective appointee, Veterans Administration, private physician or clinic, etc. Failure of any applicant, including a disabled veteran, to provide requested medical information and appropriate release forms, e.g., PS Form 5902, could result in the Medical Officer being unable to render a favorable medical suitability determination.

The Veterans Administration has always been most cooperative in assisting both the veteran and the Postal Service in obtaining medical records; however, in the event of a particular problem, there are specific personnel within each VA regional office who are responsible for handling complaints of this nature.

The U.S. Postal Service actively participates in the development of Affirmative Action Plans and closely monitors the individual achievements of each postal facility. In reference to a Handicapped Affirmative Action Plan, we are working closely with EEOC in this regard, and although we do not have a National Plan, each post office prepares plans to accommodate its local needs. A Special Emphasis Handicapped Program Coordinator is located in both the Western Regional Office and the Denver Postal facility. Regulations and policies utilized by the Postal Service to define handicapped individuals are those outlined in 29 C.F.R. §1613.701.

Personnel Operations Handbook, P-11, currently provides for the waiving of Postal Service physical requirements under certain conditions. In addition, Appointing Officials are required to review the Medical Officer's discussions of applicant's limitations, with a view toward reasonable accommodations of a handicap, where possible. The Medical Officer in Denver will be reminded of these procedures. In all cases, it must be determined that the applicant can perform efficiently the duties of the position without hazard to himself or others.

Our proposed procedures for review of Postal Service decisions to pass over or object to preference veterans with 30 percent or more compensable disability, have been reviewed by Office of Personnel Management, and will be incorporated into our Handbook P-11, in the near future.

Under these guidelines, a vacancy will be held until OPM's Medical Officer sustains or rejects the agency's tentative nonselection.

The hiring of veterans by the Postal Service compares most favorably with other agencies, with a significant representation of disabled veterans hired through our normal competitive hiring procedures.

Those questions that address specific statistical data from the Denver, Colorado Post Office and copies of Postal handbooks and manuals, must be handled as a Freedom of Information Act request. To ensure that you are aware of the liability for payment involved in searching our records to comply with the request we are providing you with the following estimate of cost:

> Record retrieval and search library
> will be $3.35 for each quarter hour.

If you are in need of copies of Postal handbooks and manuals, they may be ordered through the Government Printing Office. The address of that office is as follows:

Government Printing Office
Denver Federal Center
P. O. Box 25347
Denver, CO 80225

As to the question concerning your need for the organization chart, we refer you to Subchapter D of Title 39 (Organization and Administrative CFF) which may be found in any public library. We can supply you with a copy of the 1978 Postal Service Labor-Management Agreement.

Upon notification of your agreement to bear cost, immediate action will be taken to comply with the request. If you desire to modify the amount of information requested to reduce the financial liability, arrangements can be made by contacting the Custodian of Records, Mr. Eustace T. Boyer, Main Post Office, Denver, CO. His telephone number is 837-3118 or 837-3376.

Sincerely,

GARY L. PACKER
MSC Manager/Postmaster
Denver, CO 80202

Enclosure: 1978 Labor Agreement

cc: W. Eudey

Attachment #4

July 17, 1981

Medical Unsuitability
WR Ref:

Mr.

Dear Mr.

The Regional Medical Director has again carefully reviewed your medical records and the new additional medical information dated June 30, 1981, forwarded to our attention subsequent to my letter addressed to you on May 14, 1981.

This new medical data is now indicative of your medical suitability for postal employment and consequently we are advising the Postmaster by copy of this letter to restore your name to the register of eligibles effective upon receipt of this correspondence.

Sincerely,

W. Eudey, General Manager
Employee Relations Division

cc: Postmaster, Greeley, CO 80632

bcc: Tamu M. Wilson, District EEO Counselor
District Manager, Rocky Mountain District
MSC Manager/Postmaster, Denver, CO 80202
Area Medical Officer

Attachment #5

UNITED STATES POST OFFICE
GREELEY, COLORADO 80631-9998

OUR REF:
DATE Sept. 11, 1981
SUBJECT:
P O CL

TO:

I ______________ ______________, do hereby voluntarily withdraw my Pre Equal Employment Opportunity complaint submitted on August 27, 1981. I further stipulate that my withdrawal is made without threats, coercion or intimidation.

I am also agreeing to this resolution without my representative being present.

This withdrawal is based on the following resolution:

1. Back pay for the period of August 21 through September 11 will be made in the amount of 89 hours @9.38 per hour.
2. Probationary period of 90 days will be continued to November 5, 1981. Started on August 8, 1981.
3. Training will be in compliance with the P-23 Handbook. Sept. 14 and 15 you will report to the PEDC Room 220, Terminal Annex, 1501 Wynkoop at 7:00 A.M. each day. Report to Tom Brannon or Jim Conrad.
4. September 16, at 9:00 A.M. you will report to the VOMA Greeley, CO for vehicle familiarization and M-41 training.
5. Scheduled training will be posted for type of routes you are to be trained on. You will receive an explanation of each route you will be required to carry after completion of initial training.
6. You will be given 1 day training on each type of route in the Greeley office. (Foot route, Park & Loop, Parcel Post and Collection). Training will be given by an authorized carrier.
7. Evaluations will be made on Sept. 21, Oct. 6 and Oct. 21, additional evaluations may be made between any of these dates.
8. Problems that may arise will be directed to Delivery & Collection Supervisor Herb Burnett.

____
Complaintant

____
E. O. [illegible]selor

E. J. Parsons
____
Management Representative

September 11, 1981
Date

367-81
E.E. O. Case Number

Attachment #6

UNITED STATES POSTAL SERVICE
Western Regional Office
San Bruno, CA 94099

May 14, 1981

Medical Unsuitability Appeal
WR Ref:

Mr.

Dear Mr.

Based on the medical information contained in your file, the Regional Medical Director will not approve you for postal employment at this time for the position of motor vehicle operator due to a history that you are currently under psychiatric evaluation.

We have received the orthopedic evaluation of your feet and left ankle conditions requested in my letter of March 6, 1981. However, we will require a board certified psychiatric evaluation of your current nervous condition as reported by the V. A. Medical Center, Denver, Colorado.

The results of this psychiatric evaluation, done at the V. A. Medical Center in Denver, should be sent to the following address:

Western Regional Medical Director
U. S. Postal Service (WE234)
San Bruno, California 94099

Sincerely,

W. Eudey, General Manager
Employee Relations Division

cc: Postmaster, Denver, CO 80202

Attachment #7

Medical Center
Clermont Street
Denver, CO [illegible]

Veterans
Administration

May 21, 1981

Dear Mr. :

This letter is to confirm that Mr. is not, at this time, under psychiatric treatment at the Denver V. A. Medical Center, and that his medical record does not contain data relative to psychiatric treatment in the past.

Mr. Gilmer, your DAV representative, will be provided a courtesy copy of this letter on your behalf.

Please feel free to contact my staff if we may be of further assistance in this matter.

Sincerely yours,

LYLE K. DURBIN
Chief, Medical Administration Service (136)

cc: DAV, Mr. Gilmer

Attachment #9

U. S. POSTAL SERVICE

CERTIFICATE OF MEDICAL EXAMINATION

The collection of this information is authorized by 39 USC 401, 1001. This information will be used to provide employees with necessary health care and to determine fitness for duty. As a routine use, this information may be disclosed to the Civil Service Commission and other Federal agencies responsible for Federal benefits programs, to an appropriate law enforcement agency for investigation or prosecution proceedings, to a Congressional office at your request, to the Office of Management and Budget for review of private relief legislation, to any agency where relevant to hiring, contracting, or licensing, to a labor organization as required by the NLRA, and where pertinent, in a legal proceeding to which the Postal Service is a party. Completion of this form is voluntary, however, if this information is not provided, the individual may not receive the requested benefits or employment.

Part A. TO BE COMPLETED BY APPLICANT OR EMPLOYEE *(Typewrite or print in ink)*

1. NAME *(Last, first, middle)*

2. SOCIAL SECURITY NO

3. SEX ☐ MALE ☒ FEMALE

4. DATE OF BIRTH 01-12-1937

5. DO YOU HAVE ANY MEDICAL DISORDER OF PHYSICAL IMPAIRMENT WHICH WOULD INTERFERE IN ANY WAY WITH THE FULL PERFORMANCE OF THE DUTIES SHOWN BELOW? ☐ YES ☐ NO *(If your answer is "YES" explain fully to the physician performing examination.)*

6. I [illegible]TIFY THAT ALL THE INFORMATION GIVEN BY ME IN CONNECTION W[illegible]H THIS EXAMINATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

(Signature of applicant)

Part B. TO BE COMPLETED BEFORE EXAMINATION BY APPOINTING OFFICER

1. PURPOSE OF EXAMINATION ☒ PREAPPOINTMENT ☐ OTHER *(specify)*

2. POSITION TITLE PTF CARRIER-CAREER

3. BRIEF DESCRIPTION OF WHAT POSITION REQUIRES EMPLOYEE TO DO

REQUIRES EMPLOYEE TO SORT AND CASE MAIL ON 5 SHELF CITY CARRIERS CASE. ARRANGE RELAYS IN DELIVERY ORDER AND LOAD IN VEHICLE. EMPLOYEE MUST SAFELY OPERATE BOTH RIGHT AND LEFT HAND DRIVE VEHICLES. EMPLOYEE MUST BE ABLE TO WALK APPROXIMATELy17 MILES DAILY IN ALL WEATHER CONDITIONS AND CARRY SHOULDER SATCHEL WITH UP TO 35 POUNDS.

4. Circle the number preceding *each* functional requirement and *each* environmental factor essential to the duties of this position. List any additional essential factors in the blank spaces. Also, if the position involves law enforcement, air traffic control, or fire fighting attach the specific medical standards for the information of the examining physician.

A. FUNCTIONAL REQUIREMENTS

1 Heavy lifting, 45 pounds and over
[✓ 2] Moderate lifting, 15-44 pounds
3 Light lifting, under 15 pounds
4 Heavy carrying, 45 pounds and over
[✓ 5] Moderate carrying, 15-44 pounds
6 Light carrying, under 15 pounds
7 Straight pulling (hours)
8 Pulling hand over hand (hours)
9 Pushing (hours)
[✓ 10] Reaching above shoulder
[✓ 11] Use of fingers
12 Both hands required
13 Walking (5 hours)
14 Standing (3 hours)
15 Crawling (hours)
16 Kneeling (hours)
17 Repeated bending (hours)
18 Climbing, legs only (hours)
19 Climbing, use of legs and arms
[✓ 20] Both legs required
21 Operation of crane, truck, tractor, or motor vehicle
22 Ability for rapid mental and muscular coordination simultaneously
23 Ability to use and desirability of using firearms
[✓ 24] Near vision correctable at 13" to 16" to Jaeger 1 to 4
25 Far vision correctable in one eye to 20/20 and to 20/40 in the other
26 Far vision correctable in one eye to 20/50 and to 20/100 in the other
27 Specific visual requirements (specify)
28 Both eyes required
29 Depth perception
30 Ability to distinguish basic colors
31 Ability to distinguish shades of colors
[✓ 32] Hearing (aid permitted)
33 Hearing without aid
34 Specific hearing requirements (specify)
35 Other (specify)

B. ENVIRONMENTAL FACTORS

1 Outside
2 Outside and inside
[✓ 3] Excessive heat
[✓ 4] Excessive cold
5 Excessive humidity
6 Excessive dampness or chilling
7 Dry atmospheric conditions
8 Excessive noise, intermittent
9 Constant noise
10 Dust
11 Silica, asbestos, etc
12 Fumes, smoke, or gases
13 Solvents *(degreasing agents)*
14 Grease and oils
15 Radiant energy
16 Electrical energy
[✓ 17] Slippery or uneven walking surfaces
18 Working around machinery with moving parts
19 Working around moving objects or vehicles
20 Working on ladders or scaffolding
21 Working below ground
22 Unusual fatigue factors (specify)
23 Working with hands in water
24 Explosives
25 Vibration
[✓ 26] Working closely with others
[✓ 27] Working alone
28 Protracted or irregular hours of work
29 Other *(specify)*

Part C. TO BE COMPLETED BY EXAMINING PHYSICIAN

1. EXAMINING PHYSICIAN'S NAME *(type or print)*

Richard A. DiAsio, M.D.
Life Extension Institute

2. ADDRESS *(including ZIP Code)*

Medical Group
Stapleton International Airport
Denver, Colorado 80207

3. SIGNATURE OF EXAMINING PHYSICIAN

Richard A DiAsio 4/14/80

(Signature) (Date)

IMPORTANT: After signing, return *the entire form intact* in the preaddressed "Confidential-Medical" envelope which the person you examined gave you.

PS Form 2485
Aug 1977

~~NOTE~~ TO EXAMINING PHYSICIAN. The person you are about to examine will have to cope with the functional requirements and environmental factors circled on the other side of this form. Please take them, and the brief description of job duties above them, into consideration a you make your examination and report your findings and conclusions.

1 HEIGHT 5 FEET 4 INCHES WEIGHT 116 POUNDS

2 EYES

(A) Distant vision (Snellen) without glasses right 20 left 20, with glasses, if worn right 20 left 20

(B) What is the longest and shortest distance at which the following specimen of Jaeger No. 2 type can be read by the applicant? Test each eye separately

Jaeger No. 2 Type

> employees in the Federal classified service as may be requested by the Civil Service Commission or its authorized representative. This order will supplement the Executive Orders of May 29 and June 18, 1923 (Executive Order, September 4, 1924)

without glasses
R ______ in. to ______ in.
L ______ in. to ______ in.

with glasses, if used
Orthorater
R ______ in. to ______ in.
L ______ in. to ______ in.

(C) Color vision: Is color vision normal when Ishihara or other color plate test is used? ☐ YES ☐ NO
If not, can applicant pass lantern, yarn, or other comparable test? ☐ YES ☐ NO

3 EARS - (Consider denominators indicated here as normal. Record as numerators the greatest distance heard.)

Ordinary conversation.

RIGHT EAR ______ / 20 ft. LEFT EAR ______ / 20 ft.

Audiometer (if given)

	250	500	1000	2000	3000	4000	5000	6000	7000	8000
R		10	11	20		35		45		
L		10	[illegible]	10		30		80		

4 A BLOOD PRESSURE
Systolic 110 Diastolic 70

B PULSE
Initial 96 Immediately after exercise 140 After 2 min. rest 96

5 URINALYSIS
Sp. gr. 905 Ph - Alb neg Sugar neg Casts — Blood — Pus —

6 IS THERE PRESENT OR IS THERE A HISTORY OF (Check each item)

YES	NO	DISEASES OF THE FOLLOWING SYSTEMS
	☒	A. DIGESTIVE DIABETES ☐ YES ☒ NO
	☒	B. NERVOUS
	☒	C. RESPIRATORY
	☒	D. CIRCULATORY
	☒	TUBERCULOSIS
		a. If yes, is it arrested?
		b. If arrested, give date ______
	☒	FUNCTIONAL HEART DISEASE
	☒	ORGANIC HEART DISEASE
	☒	IMPERFECT SPEECH

YES	NO	NERVOUS PROBLEMS ☐ YES ☒ NO
	☒	MENTAL ILLNESS
	☒	NERVOUS BREAKDOWN
	☒	VENEREAL DISEASE
	☒	EPILEPSY (*Seizures, Fits, Blackouts*)
	☒	SPINAL CURVATURE OR DISEASE
	☒	SKIN DISEASE
	☒	WEAKNESS OF ABDOMINAL WALL
		HERNIA
	☒	BACK INJURY RECENT OR REMOTE
	☒	BACK AND/OR NECK SURGERY

7 CONCLUSIONS: Summarize below any medical findings which, in your opinion, would limit this person's performance of the job duties and/or would make him a hazard to himself or others. If none, so indicate.

☐ No limiting conditions for this job
☒ Limiting conditions as follows

Large bilateral bunions Ⓡ > Ⓛ —
precludes walking 17 miles. —

FOR AGENCY USE ONLY

The collection of this information is authorized by 39 USC 401, 1001. This information will be used to provide employees with necessary health care and to determine fitness for duty. As a routine use, this information may be disclosed to the Civil Service Commission and other Federal agencies responsible for Federal benefits programs, to an appropriate law enforcement agency for investigation or prosecuti[illegible]eedings, to a Congressional office at your request, to the Office of Management and Budget for review of private relief legislation, to any agency where relevant to hiring, contracting, or licensing, to a labor organization as required by the NLRA, and where pertinent, in a legal proceeding to which the Postal Service is a party. Completion of this form is voluntary, however, if this information is not provided, the individual may not receive the requested benefits or employment.

Part A. TO BE COMPLETED BY APPLICANT OR EMPLOYEE *(Typewrite or print in ink)*

1. NAME *(Last, first, middle)*

2. SOCIAL SECURITY NO

3. SEX ☐ MALE ☒ FEMALE

4. DATE OF BIRTH 01-12-1937

5. DO YOU HAVE ANY MEDICAL DISORDER OF PHYSICAL IMPAIRMENT WHICH WOULD INTERFERE IN ANY WAY WITH THE FULL PERFORMANCE OF THE DUTIES SHOWN BELOW?
☐ YES ☐ NO *(If your answer is "YES" explain fully to the physician performing examination.)*

6. I CERTIFY THAT ALL THE INFORMATION GIVEN BY ME IN CONNECTION WITH THIS EXAMINATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

(signature of applicant)

Part D. TO BE COMPLETED BY AGENCY MEDICAL OFFICER *(if one is available)*

NOTE: Review the attached certificate of medical examination and make your recommendations in item 1 below. If the medical examination was done for pre-appointment purposes, circle the appropriate handicap code on part F.

1. RECOMMENDATION

☐ HIRE OR RETAIN DESCRIBE LIMITATIONS IF ANY, HERE

☒ TAKE ACTION TO SEPARATE OR DO NOT HIRE EXPLAIN WHY
1) Bilateral [illegible]
2) Ⓡ nephrectomy
3) 3·% disability - Army Connected

[illegible]hard A. Di[illegible] M.D.
Life Extension Institute

2. AGENCY MEDICAL OFFICER'S NAME *(type or print)*

3. LOCATION *(city, State, ZIP Code)*

4. DATE 4/14/80

Part E. TO BE COMPLETED BY AGENCY PERSONNEL OFFICER

NOTE: Enter the action taken below. If this form is used for pre-appointment purposes, be sure the appropriate handicap code in part F is circled.

1. ACTION TAKEN:
☐ HIRED OR RETAINED ☐ NON-SELECTED FOR APPOINTMENT
☐ ACTION TAKEN TO SEPARATE

2. AGENCY PERSONNEL OFFICER'S NAME *(type or print)*

3. SIGNATURE

4. DATE

Part F. HANDICAP CODE *(to be completed only in pre-appointment cases)*

If the person examined has or had a handicap listed below, circle the code number which pertains to that handicap. If more than one handicap applies, circle the one considered most limiting. If none of the handicap codes apply, circle code "00"

[✓ 00] No handicap of the type listed
10 Amputation—one major extremity
11 Amputation—two or more major extremities
20 Deformity or impaired function—upper extremity
21 Deformity or impaired function—lower extremity or back
30 Vision—one eye only
31 No usable vision
40 Hearing aid required
41 No usable hearing
42 No usable hearing, with speech malfunction
43 Normal hearing, with speech malfunction
50 Tuberculosis inactive pulmonary
51 Organic heart disease (compensated)—valvular, arrhythmia, arteriosclerosis, healed coronary lesions
52 Diabetes—controlled
53 Epilepsy—adequately controlled
54 History of emotional behavioral problem requiring special placement effort
55 Mentally retarded
56 Mentally restored

1. EXAMINING PHYSICIAN'S NAME *(type or print)*
Richard A. D[illegible] M.D.
Life Extension Institute
Medical Group

2. ADDRESS *(including ZIP Code)*
Stapleton International Airport
Denver, Colorado 80207

3. SIGNATURE OF EXAMINING PHYSICIAN
Richard A [illegible] MD 4/17/80
(signature) *(date)*

IMPORTANT: After signing, return the entire form intact in the preaddressed "Confidential Medical" envelope which the person you examined gave you

Attachment #10

UNITED STATES POST OFFICE
HOLYOKE, COLORADO 80734

IN REPLY REFER TO

April 21, 1980

You were scheduled to take a pre-employment physical examination at the Denver office of Dr. Everrett Irwin on Monday April 14, 1980. This pre-employment examination was for a PTF Clerk-Carrier position at the Holyoke, Co Post Office. Dr Irwin is the District Postal Medical Officer, with referral to Dr. Richard Di Asio of the Life Extension Institute.

The determination of their combined opinions were that you would not meet the physical requirements necessary to to perform certain of the duties for the employment offered.

The prime consideration being a condition you have with large bunions on both feet, which would give difficulty or prevent you from walking the approximately 17 miles daily, to carry our city delivery route. In addition you would be required to carry a shoulder satchel with up to 35 lbs.

I am not familiar with the medical terminology to discuss the 2nd and 3rd reasons given but they seem to be referrals to some former surgery and your service connected disability.

I must inform you, however, that you have a right to appeal this medical decision. An appeal must be filed in writing within 15 days from this receipt of this letter. the complete medical file will be sent for revue by the Regional Director for Employee and Labor Relations and the Regional Medical Officer.

I have enclosed the address where you may send an appeal.

Keith E Randall
Postmaster
Holyoke, Colorado 80734

Attachment #11

MAY 21 1980

Medical Unsuitability Appeal
WR Ref:

Dear Ms. :

A careful review of your medical records by our Regional Medical Director substantiates the decision that you are medically unsuitable at this time for the position of PTF clerk/carrier due to your condition of large bunions on both feet.

The position is of an arduous character involving repeated handling of weights up to 70 pounds, prolonged standing or walking and continuous twisting, kneeling, bending and reaching. Any of these arduous physical requisites could or would aggravate or jeopardize your condition of large bunions on both feet and provide a hazard to your health and safety.

Because of our decision that you are not medically suitable for the position applied for, your name will be removed from the Postal register.

Sincerely,

W. Eudey, General Manager
Employee Relations Division

cc: Postmaster, Holyoke, CO

bcc: District Manager, Rocky Mountain
MSC Manager/Postmaster, Brighton, CO 80601
Area Medical Officer
WE234:HETebrock:sm
c/r

Attachment #12

DEPARTMENT OF COLORADO
DISABLED AMERICAN VETERANS, INC.
1400 SOUTH FEDERAL BLVD. DENVER, COLORADO 80219 PHONE 922-3631

Percy R. Newell
Department Commander

John Wiedeman
Department Adjutant

Ervin Schlepp
Sr. Vice Commander

McKinley J. Norman
1st Jr. Vice Commander

John Bickerton
2nd Jr. Vice Commander

Benjamin Palomino
3rd Jr. Vice Commander

Gerald D. Emery
Treasurer

Peter L. Dye
Judge Advocate

August 4, 1981

Regional General Manager
Employee Relations Division (Code 200)
U.S. Postal Service
San Bruno, California 94099

"Certified Return
Receipt Requested"

Dear Sir:

This letter is being written to appeal the decision of Mr. Frank C. Lujan, Employment Officer, Main Post Office, Denver, Colorado 80202, dated July 24, 1981 (Attachment #1).

Attachment #2 is a letter signed by Mr. appointing me as his representative.

Attachment #3 is a letter dated April 20, 1981 filing a complaint alleging illegal handicapped discrimination (Rehabilitation Act of 1973) with the Denver Post Office Equal Employment Opportunity (EEO) Office against Mr.

Mr. is a disabled veteran rated at 50% service connected disabled by the Veterans Administration. That rating is for loss of the left eye and limited paralysis of the vocal cord.

When Mr. tested for Mail Clerk and Carrier he scored an 85. With the additional points he received for disabled veterans preference he had a score of 95.

Mr. was called in for interviews on April 20, 1981. As stated in the E.E.O. complaint, Mr. Lujan refused to interview Mr. because of the loss of his eye and took him off of the register.

At the time of the filing of the complaint, based on my conversation with Mr. Lujan, Mr. and I believed that the job announcement might have shown the job to require two eyes. However, when he obtained a copy of the job announcement (Attachment #4) the physical requirements portion clearly states "the distant vision for Clerk and Carrier positions not involving driving duties must test at least 20/30 (Snellen) in one eye...."

The description then goes on to say "for carrier positions which require driving, applicants must have at least 20/30 (Snellen) in one eye and 20/50 (Snellen) in the other with or without corrective device, for unlimited operation of motor vehicles."

M-52, TL-5, Fleet Management dated 10/22/79, Section 214.45 Physical Requirements (Attachment #5) shows the required physical standards. Section 214.451 Fitness-Present Employees in part a. states, in part, "the vision requirement on an eye test is a minimum of 20/40 in one eye with or without glasses."

Part c. in Section 214.451 continues by stating "a person with a physical handicap is not automatically prevented from driving a motor vehicle. Determine whether the individual is physically able to manipulate his vehicle safely and is able to control it under all conditions. A road test is mandatory to demonstrate with reasonable accuracy whether the applicant is capable of operating a vehicle with safety. (Emphasis added.)

Section 214.452 Fitness and Vision Standards - New Employees - in part d. states in part, "applicants who will be required to drive right-hand-drive vehicles, or vehicles of 10,000 pounds gross vehicle weight (GVW) or more must maintain vision which tests at least 20/30 (Snellen) in one eye and 20/50 (Snellen) in the other eye, with or without glasses...."

Part e. of 214.45 states "applicants who will be required to drive left-handed-drive vehicles of less than 10,000 pounds, GVW, must be able to read without strain printed material the size of typewritten characters, glasses permitted. It is normally anticipated that applicants will have vision of at least 20/40 (Snellen) in one eye."

P-12A, TL-1, Qualifications Standards dated 12/20/76 (Attachment #6) gives the following physical requirements on page 2300h 3.a. "the distant vision required must test 20/40 (Snellen) in one eye, glasses permitted. Part 3.c. on page 2 of 2300h states: "Waiver - certain physical requirements stated above are waived for applicants entitled to veteran preference provided such applicants are physically able to discharge efficiently the duties of the position without any undue hazard to themselves, fellow employees, or others."

Page 2 of 2300h states:

1. Applicants who are required to drive right-hand-drive vehicles or vehicles of 10,000 pounds GVW or more must have vision which tests at least 20/30 (Snellen) in one eye and 20/50 (Snellen) in the other eye, with or without glasses..."

3. Applicants who are required to drive vehicles of 10,000 pounds GVW must have vision which tests at least 20/40 (Snellen) in one eye, with or without glasses.

Thus, the U.S. Postal Service Job Announcement, Fleet Management and Qualifications Standards each recognize that some carriers do not drive at all, and for those carriers who do drive, only those carriers who will drive vehicles of 10,000 GVW or over and/or right hand drive vehicles are required to have two eyes. Additionally, the Fleet manual clearly states "a road test is mandatory to demonstrate with reasonable accuracy whether the applicant is capable of operating a vehicle with safety." The Qualifications Standards clearly provide waivers for preference eligibles and the physical fitness standard for present employees clearly requires "a minimum of 20/40 in one eye" only for drivers -- regardless of vehicle weight or right or left hand drive.

Title 5 U.S. Code Section 3312 (Attachment #7) (a) states "(a) in determining qualifications of a preference eligible for examination for, appointment in, or reinstatement of in the competitive service, the Office of Personnel Management (OPM) or other examining agency *shall* waive --

> (2) Physical requirements if, in the opinion of the Office (OPM) or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position." (emphasis added)

Thus, the U.S. Postal Service has set the minimum standard for its drivers to be 20/40 (Snellen) for safety and has then added additional requirements for new personnel. The U.S. Postal Service also finds it mandatory to give a drivers test prior to deciding on an individual's capacity to drive a vehicle safely. Finally, the law *requires* the U.S. Postal Service to waive physical standards if the applicant is a preference eligible and is believed to be able to perform the duties efficiently.

Over the past 10 years, Mr. has had no traffic violations. Additionally, Mr. has had no accidents, scraped fenders or otherwise damaged a vehicle he was driving or any other vehicle.

Mr. is a handicapped person for which reasonable accommodations must be provided.

Mr. Lujan's letter does not give the reason that the U.S. Postal Service refuses to hire Mr. . The letter simply states, "after careful consideration, it has been determined that due to the medical restrictions placed on you by our Postal Service Medical Officer, we are not able to employ you as a city carrier."

Mr. Lujan, over the phone, August 3, 1981, stated that the examining physician had restricted Mr. to driving left-hand-vehicles and vehicles less than 10,000 pounds GVW. Mr. Lujan apparently gave no consideration to the requirement to waive physical requirements in consideration of Title 5 U.S. Code, the reasonable accommodations required in the Rehabilitation Act of 1973, Mr. 's driving record, the giving of a driving test to determine whether Mr. could drive safely or even the most obvious consideration of placing Mr. in a non-driving carrier position.

summary, Mr. was initially denied even the right of an interview by Mr. jan. Only after filing an E.E.O. complaint was Mr. allowed to take a physical examination. Following the physical examination, without consideration for the minimum standards -- which Mr. clearly meets -- Mr. Lujan automatically denied him the job. It should be noted that CFR 29 Section 1613.706 allows a physical, but *only* after a person has been selected for the job. Mr. was found suitable for employment with restrictions for the left eye.

Additionally, if Mr. was found physically unsuitable, Title 5 U.S. Code Section 3312 (b) requires that the position not be filled by a different selection until after the final determination as to whether Mr. could physically do the job.

We hereby request that you reverse Mr. Lujan's decision and give Mr. the job to which he is entitled.

Sincerely,

Lennox E. Gilmer

Lennox E. Gilmer
Department Advocate

cc: Mr.

Attachment #13

service is a party. Completion of this form is voluntary, however, if this information is not provided, the individual may not receive the requested benefits or employment.

SECTION A – TO BE COMPLETED BY APPOINTING OFFICE *(Type or print in ink)*

1. NAME *(Last, first, middle)*

2. SOCIAL SECURITY NO.

3. SEX ☒ MALE ☐ FEMALE

4. DATE OF BIRTH 24 [illegible] 45

5. DO YOU HAVE ANY MEDICAL DISORDER OR PHYSICAL IMPAIRMENT WHICH WOULD INTERFERE IN ANY WAY WITH THE FULL PERFORMANCE OF THE DUTIES OF THE POSITION FOR WHICH YOU ARE APPLYING? *(If your answer is "YES" explain fully to the physician performing examination.)*
☐ YES ☒ NO

I CERTIFY THAT ALL THE INFORMATION TO BE GIVEN BY ME IN CONNECTION WITH THIS EXAMINATION WILL BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. *(See instructions on reverse of Part 3)*

6. DATE 21 July 81

7. SIGNATURE

SECTION B – TO BE COMPLETED BEFORE EXAMINATION BY APPOINTING OFFICER

1. EXAMINATION APPOINTMENT
a. DATE 9-21-81
b. TIME 8 30 Am
c. LOCATION Medical Unit
Terminal Annex
Room 205
Denver, CO 80202

2. POSITION FOR WHICH APPLYING
a. TITLE Carrier
b. INSTALLATION Denver

3. BRIEF JOB DESCRIPTION OF WHAT POSITION REQUIRES EMPLOYEE TO DO

Carrier

Responsible for delive[illegible] by vehicle. Positio[illegible] requires [illegible] involve [illegible] for [illegible]

4. Circle the number preceding *each* functional requirement and *each* environmental factor essential to the duties of this position. List any additional essential factors in the blank spaces. Also, if the position involves law enforcement, attach the specific medical standards for the information of the examining physician.

FUNCTIONAL REQUIREMENTS

[✓ 1.] Heavy lifting, up to 70 pounds
2. Moderate lifting, 15-44 pounds
3. Light lifting, under 15 pounds
[✓ 4.] Heavy carrying, 45 pounds and over
5. Moderate carrying, 15-44 pounds
6. Light carrying, under 15 pounds
7. Straight pulling (hours)
8. Pulling hand over hand (hours)
9. Pushing (hours)
[✓ 10.] Reaching above shoulder
[✓ 11.] Use of fingers
[✓ 12.] Both hands required or compensated by the use of acceptable prosthesis
[✓ 13.] Walking (8 hours)
[✓ 14.] Standing (8 hours)
15. Crawling (hours)
16. Kneeling (hours)
[✓ 17.] Repeated bending (8 hours)
18. Climbing, legs only (hours)
19. Climbing, use of legs and arms
[✓ 20.] Both legs required
21. Operation of crane, truck, tractor, or motor vehicle
[✓ 22.] Ability for rapid mental and muscular coordination simultaneously
23. Ability to use and desirability of using firearms
[✓ 24.] Near vision correctable at 13" to 16" to Jaeger 1 to 4
25. Far vision correctable in one eye to 20/20 and to 20/40 in the other
26. Far vision correctable in one eye to 20/40 and to 20/100 in the other
27. Specific visual requirement *(specify)*
[✓ 28.] Both eyes required
29. Depth perception
[✓ 30.] Ability to distinguish basic colors
31. Ability to distinguish shades of colors
32. Hearing *(aid permitted) (hear conversational voice 15 feet – one ear)*
33. Hearing without aid
34. Specific hearing requirements *(specify)*
35. Other *(specify)*

ENVIRONMENTAL FACTORS

[✓ 1.] Outside
[✓ 2.] Outside and inside
[✓ 3.] Excessive heat
[✓ 4.] Excessive cold
5. Excessive humidity
6. Excessive dampness or chilling
7. Dry atmospheric conditions
8. Excessive noise, intermittent
[✓ 9.] Constant noise
[✓ 10.] Dust
11. Silica, asbestos, etc.
12. Fumes, smoke, or gases
13. Solvents *(degreasing agents)*
14. Grease and oils
15. Radiant energy
16. Electrical energy
[✓ 17.] Slippery or uneven walking surfaces
[✓ 18.] Working around machinery with moving parts
[✓ 19.] Working around moving objects or vehicles
20. Working on ladders or scaffolding
21. Working below ground
22. Unusual fatigue factors *(specify)*
23. Working with hands in water
24. Explosives
25. Vibration
[✓ 26.] Working closely with others
[✓ 27.] Working alone
[✓ 28.] Protracted or irregular hours of work
29. Other *(specify)*

PS Form 2485
Apr. 1979

Part 1 to Postal Personnel Office (Appointing Official)

PART 1

SECTION C – TO BE COMPLETED BY POSTAL MEDICAL OFFICER

NOTE: Review Sections I and I and provide your determinations in item 1a below. Circle the appropriate handicap code in item 2, if applicable.

1. DETERMINATION

a. MEDICALLY

☒ SUITABLE ☐ UNSUITABLE

b. LIMITATIONS, IF ANY

BLIND IN LEFT EYE (EYE IS ABSENT)
UNSUITABLE FOR DRIVING ① RIGHT-HAND-DRIVE
VEHICLES OR ② VEHICLES OF 10,000 POUNDS GVW
OR MORE

2. MEDICAL AUTHORITY

a. DATE 7-21-81

b. NAME AND LOCATION (Type or Print)

Donald M. Olson, M.D.
Medical Unit
Terminal Annex
Room 205
Denver, CO 80202

c. SIGNATURE D. M. Olson, M.D. MD

3. HANDICAP CODE

CODE	HANDICAP		
01	Handicap not identified		
04	No handicap		
	SPEECH IMPAIRMENT		
13	Speech malfunction, hearing normal		
	HEARING IMPAIRMENT		
15	Hard of hearing		
16	Total deafness with understandable speech		
17	Total deafness with inability to speak clearly		
	VISION IMPAIRMENT		
22	Can read ordinary size print with glasses but with loss of peripheral vision		
23	Cannot read ordinary size print – not correctable by glasses		
[✓ 24]	Blind in one eye		
	Blind in both eyes		
	MISSING EXTREMITIES		
27	One hand	32	One leg
28	One arm	33	Both hands or arms
29	One foot	34	Both feet or legs
35	One hand or arm and one foot or leg		
36	One hand or arm and both feet or legs		
37	Both hands or arms and one foot or leg		
38	Both hands or arms and both feet and legs		
	NONPARALYTIC ORTHOPEDIC IMPAIRMENTS		
44	One or both hands	47	One or both legs
45	One or both feet	48	Hip or pelvis
46	One or both arms	49	Back
57	Any combination of two or more parts of the body		
	PARTIAL PARALYSIS		
61	One hand	62	One arm (any part)

CODE	HANDICAP		
	PARTIAL PARALYSIS (Continued)		
63	One leg (any part)	64	Both hands
65	Both legs (any part)		
66	Both arms (any part)		
67	One side of body including one arm and one leg		
68	Three or more major parts of body (arms and legs)		
	COMPLETE PARALYSIS		
70	One hand	75	Both legs
71	Both hands	76	Lower half of body (including legs)
72	One arm		
73	Both arms	77	One side of body (including one arm and one leg)
74	One leg		
78	Three or more major parts of body (arms and legs)		
	OTHER IMPAIRMENTS (See Revised Handbook P-14)		
80	Heart disease – with no restriction or limitation of activity		
81	Heart disease with limitation of activity		
82	Convulsive disorder (e.g., epilepsy)		
83	Blood diseases		
84	Controlled diabetes – no restriction of activity		
85	Diabetes with limited activity due to complications		
86	Pulmonary disorders		
87	Kidney dysfunction		
88	Cancer – history of cancer with complete recovery		
89	Cancer – undergoing surgical and/or medical treatment		
90	Mental retardation		
91	Mental or emotional illness		
92	Severe distortion of limbs and/or spine		
93	Disfigurement of face, hands or feet		

SECTION D – TO BE COMPLETED BY POSTAL APPOINTING OFFICE

NOTE: Enter the action taken below. Be sure the appropriate handicap code in item 3 is circled, if appropriate.

1. ACTION TAKEN

☐ SELECTED FOR APPOINTMENT ☐ NON-SELECTED FOR APPOINTMENT

2. CERTIFICATION BY PERSONNEL OFFICER (Appointing Official)

a. DATE

b. NAME AND LOCATION (Type or print)

c. SIGNATURE

Attachment #14

UNITED STATES POST OFFICE

DATE: July 24, 1981

OUR REF: FCL:lw

SUBJECT: Clerk/Carrier

TO:

Dear Mr. :

This refers further to your application for Clerk/Carrier dated March 10, 1981 and our letter dated July 17, 1981.

After careful consideration, it has been determined that due to the medical restrictions placed on you by our Postal Service Medical Officer, we are not able to employ you as a City Carrier. Your name will remain on the list of eligibles for other positions that you may have applied for.

You may appeal this decision within 15 days of the date of this letter to the Regional General Manager, Employee Relations Division, Code 200, U. S. Postal Service, San Bruno, CA 94099. Any appeal must be in writing with a copy to this office.

If you have any questions concerning this letter, you can call me at 837-3376. Thank you for your interest in being a City Carrier.

Frank C. Lujan
Employment Officer
Room 100, Main Post Office
Denver, CO 80202

Attachment #15

U.S. POSTAL SERVICE

EEO COMPLAINT OF DISCRIMINATION IN THE U.S. POSTAL SERVICE

(See reverse side for instructions) (Please type or print)

USPS USE ONLY

1. COMPLAINANT'S NAME

2. SOCIAL SECURITY NO.

3. STREET ADDRESS (RD or P.O. Box Number)

4. CITY STATE ZIP CODE

5. TELEPHONE NUMBER HOME: WORK:

6a. IF POSTAL EMPLOYEE, STATE YOUR POSITION TITLE AND GRADE LEVEL Carrier Level 5

6b. PAY SCHEDULE ☐ PS ☐ EAS ☐ RC ☐ APPLICANT

7. NAME OF INSTALLATION WHICH YOU BELIEVED DISCRIMINATED AGAINST YOU: (Division/MSC) Montclair Station

8. CITY STATE ZIP CODE Denver, Colorado 80220

9. NAME AND TITLE OF PERSON(S) YOU BELIEVE RESPONSIBLE FOR THE ALLEGED ACT OF DISCRIMINATION Mr. Gary Packer, Postmaster/MSC Director Denver, Colorado

10. I DESIGNATE THE FOLLOWING PERSON TO BE MY REPRESENTATIVE AND AS SUCH HE/SHE IS AUTHORIZED TO ACT ON MY BEHALF THROUGHOUT THE EEO COMPLAINT PROCESS

(a) NAME Lennox E. Gilmer, Disabled American Vet. PHONE: Home Work (303) 9223631

(b) ADDRESS 1400 S. Federal Blvd

(c) CITY Denver, STATE Colorado ZIP CODE 80219

11. DATE ON WHICH ALLEGED ACT OF DISCRIMINATION TOOK PLACE → MONTH June DAY 5 YEAR 1981

12. CHECK BELOW THE TYPE OF DISCRIMINATION ALLEGED for which you had EEO Counseling:

☐ RACE, STATE YOUR RACE
☐ COLOR, STATE YOUR COLOR
☐ RELIGION, STATE YOUR RELIGION
☐ NATIONAL ORIGIN, STATE YOUR NATIONAL ORIGIN
☐ SEX, STATE YOUR SEX
☐ AGE, STATE YOUR AGE
☒ XX HANDICAP (Physical or Mental) Physical

13. SPECIFIC ACTION OR SITUATION (Explain the specific action(s) or situation that resulted in your allegation(s) as to how you believe you were discriminated against (treated differently from other employees or applicants), because of race, color, religion, national origin, sex or age.)

See attachment.

14a. I HAVE DISCUSSED MY COMPLAINT WITH AN EQUAL EMPLOYMENT OPPORTUNITY COUNSELOR. IF YES, GIVE DATE OF FINAL INTERVIEW.

☒ YES ☐ NO DATE OF FINAL INTERVIEW 8-18-81

14b. NAME OF EEO COUNSELOR Donald H. Gallegos

15. WHAT CORRECTIVE ACTION ARE YOU SEEKING? Check item(s) if basis for complaint.

xx Employment/reinstatement
___ Cancellation of suspension/removal
___ Promotion
___ Training/204B Detail
___ Reassignment
xx Backpay
xx Other: Consider probation completed

(Note: Discipline of an official is not a part of the corrective action)

16. DATE OF THIS COMPLAINT MONTH August DAY 20 YEAR 1981

17. SIGNATURE OF COMPLAINANT

PS Form

August 21, 1981

On June 5, 1981 Mr.   was terminated from the U.S. Postal Service because he had an auto accident.

On May 5, 1981, while pulling away from the loading dock at the U.S. Post Office Montclair station, Mr.   turned too sharply and damaged the side of a vehicle he was driving and a bumper of the vehicle next to him.

The vehicle he was driving had already been damaged in the same place by someone else prior to his driving it. The estimated cost of repairing the bumper of the other vehicle is $10.00.

The policy which lead to his termination was an unwritten policy established by Mr. Don Graham, Director of Customer Services, Denver MSC.

The following people agree on the language of the policy:

- Mr. Don Graham, Director of Customer Services, Denver MSC
- Mr. John Dooley, Manager of Stations and Branches
- Mr. Garvey, Director of Employee & Labor Relations, Denver MSC
- Mr. Don Gallegos, Equal Employment Opportunity Counselor, Denver Main Post Office

The language agreed to by all the above cited parties is: "Probationary employees who have a preventable accident will be terminated."

However, Mr. Graham, Mr. Dooley and Mr. Garvey do not agree as to how this unwritten policy will be implemented.

- Mr. Graham stated that there will be no exceptions to the policy and extenuating circumstances will not be considered.

- Mr. Dooley -- second line reviewer of terminations -- stated that there will be a case by case review with consideration of extenuating circumstances. Additionally, he indicated that probationary employees might be kept on -- regardless of the policy -- if the right circumstances were present. Mr. Dooley was unable to site any circumstances that might be considered favorably. Mr. Dooley referred the question as to what circumstances might be considered to employee and labor relations.

- Mr. Garvey indicated that he understood that Mr. Graham intended for there to be no exceptions to the policy, but none the less, there was a case by case review and the circumstances would dictate whether or not there should be a termination. He could not cite any circumstances that might be considered favorably on behalf of any probationary employee.

Mr. Gallegos was able to confirm that at least one probationary employee who had a preventable accident was not terminated under this unwritten policy.

Mr. Graham, Dooley and Garvey agreed that this policy did establish a higher standard of conduct for probationary employees than for regular employees.

Mr. Garvey continued by stating that in all areas probationary employees had to meet higher standards than other employees. Additionally, it was the discretion of the supervisor to decide whether or not to terminate the employee based on these higher standards which may be unwritten. An obvious result is disparate treatment of individual employees in the same circumstance based on this broad discretionary authority given to supervisors.

Mr. Graham, Garvey and Dooley cited the lack of a Labor agreement covering probationary U.S. Postal employees as the factor in their decision to require higher standards of conduct of probationary employees.

Both Mr. Graham and Mr. Garvey agreed that the unwritten policy affected only probationary employees in Mr. Graham's division. Mr. Graham admitted that, to his knowledge, no such policy existed anywhere else in the U.S. Postal Service or the Federal Government. This, by all accounts, is a unique policy adopted by Mr. Graham to impact exclusively on probationary employees in his division in the Denver MSC. It should be noted that other Denver MSC probationary employees outside of Mr. Graham's Division are not affected by Mr. Graham's unwritten policy.

Several factors should have been given consideration in the decision to terminate Mr.   :

1. Mr.   is a disabled veteran rated at 10% by the Veterans Administration for hepatitis and is, therefore, a handicapped person.
2. Mr.   worked for 6 days straight for a total of 57 hours prior to the accident.
3. While Mr.   had worked for the U.S. Postal Service for only about 49 days, he had worked for the Federal Government from June 1975 continuously -- without a break in employment -- for over 6 years. Mr.   , in fact, had already satisfactorily completed a one year probation.
4. Mr.   , up to the time of the accident, had received satisfactory or better ratings in all areas from the U.S. Postal Service, and for the previous five plus years as a federal employee with the Department of the Navy and the Veterans Administration.

In summary, Mr. Graham has arbitrarily and capriciously established an unwritten policy for termination which affects only probationary employees in his division. Other regular employees and probationary employees outside of his division, although working side-by-side, are not affected by his policy.

This unwritten policy also requires a higher standard of conduct by probationary employees under his authority than other regular employees and other probationary employees in a similar situation although they work side by side.

This policy allows no right to appeal, reconsideration or review of extenuating circumstances, according to Mr. Graham, who instituted the policy. But according to Mr. Dooley, who is the 2nd level of review for the terminations, extenuating circumstances can be considered, but he does not know what they may be or what effect they may have. Mr. Garvey, Director of Employee and Labor Relations, agrees with Mr. Dooley but states that the position attributed to Mr. Graham -- no extenuating circumstances will be considered -- is correct. Mr. Graham, according to all contacted has the authority to set the policy. Thus, even the implementation of the policy not consistent from person to person. As an example, at least one other U.S. Postal Service probationary employee had a preventable accident and was not terminated.

This policy, which will discourage proper reporting of minor accidents, will probably reduce the number of reported accidents but will probably have no other real measurable effect except to arbitrarily lead to the termination of a number of probationary employees who in respect to their driving record as well as other areas of performance perform as well as other probationary employees who are not in Mr. Graham's division or who are regular employees but in similar circumstances will not be terminated.

This arbitrary and capricious policy -- with no consideration for extenuating circumstances -- ignores legal requirements (Rehabilitation Act of 1973 Section 501) for the U.S. Postal Service to act to affirmatively hire and promote handicapped persons, which Mr.   is. This policy, by its implementation, creates a discriminatory pattern, especially when coupled with the discretionary authority of supervisors to terminate probationary employees based on their own standards. This discriminatory pattern violates the intent of the Rehabilitation Act of 1973 which recognizes that agencies and individuals will illegally discriminate against the handicapped.

Thus, this apparently neutral policy, by the way it is being implemented, creates a situation whereby discrimination is condoned for the lack of proper controls, consideration of extenuating circumstances, affirmative action requirements, and reasonable accommodation requirements required by law.

UNITED STATES POSTAL SERVICE

OUR REF

DATE

SUBJECT: Request for VA Medical Survey

TO:

Veterans Administration
Denver Federal Center
Denver, CO 80225

PLEASE RETURN A COPY OF THIS FORM WITH YOUR REPLY

Sir:

The Postal Service requests, for the confidential consideration of its medical officers, information relative to the percentage of disability and the nature of the disabilities, both service and nonservice connected, of the veteran identified below, who has filed application for a Postal Service position.

NAME AND ADDRESS

DATE OF BIRTH

POSITION

CLAIM NUMBER

MILITARY SERVICE

A copy of the latest medical survey, if one has been made within the past two years, will be sufficient. If no such copy is available, a full statement of disabilities disclosed in any physical examination recorded in the applicant's file is requested.

You may be assured that the information will be maintained in confidence.

These medical records need to be returned to:

Donald M. Olson, M.D.
United States Postal Serv.
Terminal Annex-Room 205
1501 Wynkoop
Denver, CO 80202

Glenn Murray
for Gary L. Packer, Postmaster
Denver, CO 80202

U. S. Postal Service

PLEASE EXPEDITE -- HIRING
CONSIDERATION PENDING
RECEIPT OF VA RECORDS

PS Form 5902
June 1971

Attachment #17

DEPARTMENT OF COLORADO
DISABLED AMERICAN VETERANS, INC.
1400 SOUTH FEDERAL BLVD. DENVER, COLORADO 80219 PHONE 922-3631

Percy R. Newell
Department Commander

John Wiedeman
Department Adjutant

Ervin Schiepp
Sr. Vice Commander

McKinley J. Norman
1st Jr. Vice Commander

John Bickerton
2nd Jr. Vice Commander

Benjamin Palomino
3rd Jr. Vice Commander

Gerald D. Emery
Treasurer

Peter L. Dye
Judge Advocate

September 16, 1981

Mr. Gary L. Packer
Msc. Manager/Postmaster
18th & Stout Streets
Denver, Colorado 80201

Dear Mr. Packer:

This letter is being written to file a complaint against Mr. Don Graham, Director of Customer Services, Denver MSC. I understand that Mr. Graham reports directly to you.

On September 16, 1981, while at the Denver Post Office reportedly in the presence of Mr. Dooley and Mr. Fasset -- U.S. Postal Service employees -- Mr. Graham: 1) refused to answer questions regarding unwritten transfer policies which he is reportedly responsible for; 2) ordered me not to call him or any of his personnel regarding disciplinary actions, other personnel matters or policy; and 3) proceeded to hang up on me.

Following your receipt of this letter I wish to know: 1) what specific actions you will take regarding this complaint; 2) whether Mr. Graham will be instructed to accept phone calls and respond to reasonable requests for information regarding public policies which affect people I represent, policies which he is responsible for initiating and/or implementing; and 3) whether this conduct is acceptable by those people you supervise.

Sincerely,

Lennox E. Gilmer
Department Advocate

cc: Mr. Richard C. Smythe, District Manager, Rocky Mountain District
Mr. Percy Newell, Department Commander Disabled American Veterans, Department of Colorado
Mr. John Wiedeman, Department Adjutant, Disabled American Veterans, Department of Colorado
Mr. Ron Drach, National Employment Director, Disabled American Veterans
Mr. Lewis Romans, Chairman, United Veterans Committee of Colorado

DEPARTMENT OF COLORADO
DISABLED AMERICAN VETERANS, INC.
1400 SOUTH FEDERAL BLVD. DENVER, COLORADO 80219 PHONE 922-3631

Percy R. Newell
Department Commander

John Wiedeman
Department Adjutant

Ervin Schiepp
Sr. Vice Commander

McKinley J. Norman
1st Jr. Vice Commander

John Bickerton
2nd Jr. Vice Commander

Benjamin Palomino
3rd Jr. Vice Commander

Gerald D. Emery
Treasurer

Peter L. Dye
Judge Advocate

September 16, 1981

Mr. Don Graham
Director of Customer Services
Denver MSC
Denver, Colorado 80201

Dear Mr. Graham:

As you are aware, on September 15, 1981, I called your office and left a message for you, Mr. Dooley or Mr. Fasset to return a phone call.

On September 16, 1981, you personally returned my call over a speaker phone with Mr. Dooley and Mr. Fasset present in your office. Although, you did not tell me you were on a speaker phone with others present in the room, because of the sound, I confirmed from you that this was the case. I'm sure that you are aware that -- just as taping a conversation without informing the other parties -- this is an extremely discourteous practice.

You refused to speak to me regarding unwritten policies which you may have established. You further ordered me not to call your office or your personnel regarding any disciplinary actions, other personnel matters or policies.

You refused to speak with me further and hung up your phone.

Mr. Graham, I am yet unable to determine whether or not it is your stated, unwritten policy that USPS employees who, because of their handicaps may have overtime restrictions, will not be allowed to transfer into your division. This policy, as it has been stated to me by Mr. Frank Lujan, Employee and Labor Relations, Denver MSC, is implemented without regard for any extenuating circumstances or "reasonable accommodations" provisions of the Rehabilitation Act of 1973.

Sincerely,

Lennox E. Gilmer
Department Advocate

cc: Mr. Gary L. Packer, MSC
Manager/Postmaster, Denver

Attachment #18

United States
Postal Service
OFFICE OF THE POSTMASTER

GLP:GG:pjp

September 23, 1981

Mr. Lennox E. Gilmer
Department Advocate
Disabled American Veterans, Inc.
1400 South Federal Boulevard
Denver, CO 80219

Dear Mr. Gilmer:

This letter is in response to your September 16, 1981 letter registering a complaint against Mr. Donald R. Graham, Director, Customer Services.

The manner in which Mr. Graham handled the telephone conversation on September 16, 1981 was not proper, and I apologize for that.

Since that incident, you and I have discussed your need to request information which affects the people you represent. As I stated in our conversation, I believe that the effective avenue for you to request information will be to contact our Employee & Labor Relations Division. If personnel in that division are not able to satisfy your needs, you should contact Mr. Gene Garvey, MSC Director, Employee & Labor Relations. In those instances where Mr. Garvey is not able to satisfy your needs, you should contact me directly.

I regret the problems you have encountered and believe that the avenues outlined above will be responsive to your needs. If you have any remaining questions in this matter or wish to discuss it further, please feel free to contact me.

Sincerely,

G L Packer

GARY L. PACKER
MSC Manager/Postmaster
Denver, CO 80202-9998

cc: R. C. Smythe, District Manager

Attachment #19

DENVER MANAGEMENT BRIEFS

An Information Letter For Management September 22, 1981 NO. 47

Supervisors are required to be familiar with the contents of this publication on a working knowledge basis.

ALL SUPERVISORS:

Individual copies and/or reading file copies should be reproduced locally as required.

For easy reference, items in this issue are numbered from where the 46th issue ended, starting with Item 412.

G L Packer
G. L. PACKER
MSC Manager/Postmaster
Denver, CO 8202

INDEX

412. Implementation of COLA Roll-In Option
413. Notice of Subsequent Lost Time As a Result of An On-The-Job Injury
414. Temporary Relaxed Standards For Defective Domestic Surface Sacks
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416. Military Leave
417. FLSA Compliance
418. Travel Policy - Recent Changes and Clarifications - All Travelers Denver MSC
419. Medical Care Required After An On-The-Job Injury
420. Delivery Receipt Return to Claims Office
421. Threat and Assault Prevention
422. Disabled American Veterans (DAV)
423. AP 12 - FY 81 Performance Data

Distribution: MB

421. Continued:

We must avoid fits of temper. It's a hard thing to do, but the rewards are worth it. Studies show that those who win safe driver awards most often are those who are able to achieve a mature attitude toward other drivers.

The safe driver isn't uncritical of the unsafe behavior of other drivers, but he's able to make adjustments in his own driving to keep out of the way of those who drive thoughtlessly. He uses the bad driving of others as a reminder to drive better himself. Just as it's necessary that a driver never lose control of his vehicle, it's just as necessary that he never lose control of himself."

(Thomas D. Brasher, Postal
Inspector, External Crimes
Prevention Specialist, 9/11/81)

* *

422. Disabled American Veterans (DAV)

Inquiries from Mr. Lenox Gilmer of the Disabled American Veterans (DAV) should be referred to the E&LR Division, 837-3376.

(Gene Garvey, SC Director,
E&LR, 9/15/81)

* *

* * * * * * * * * * * * *

DAV

Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

October 27, 1981

Honorable Robert Edgar, Chairman
Subcommittee on Education,
Employment and Training
U. S. House of Representatives
Washington, DC 20515

Dear Chairman Edgar:

This is in reply to your recent letter requesting responses to certain questions regarding the Postal Service.

At the outset, I would like, on behalf of the Disabled American Veterans, to again express our appreciation to you and members of the Subcommittee for conducting, what we believe to be, very necessary hearings on the policies and practices of the Postal Service as they relate to veterans.

While we have reason to believe that other governmental or quasi-governmental agencies circumvent laws, rules and regulations with regard to their hiring of disabled veterans, the number of complaints and inquiries we receive relative to the Postal Service far outnumber those received for other agencies in toto.

As elicited during the hearings, the Postal Service aggregate figures certainly appear to indicate that veterans' preference is applied. The DAV does not disagree with those aggregate figures. However, we have reason to believe that their extent of "preference" terminates with the application of five or ten points. Certainly, other agencies find ways, in our opinion, to circumvent the intent of veterans' preference and in some cases, even directly violate veterans' preference.

I believe the testimony provided by the DAV clearly supports our contentions that the Postal Service has continued to violate existing provisions of the veterans' preference statutes as codified in Title 5, U. S. Code.

Additionally, and perhaps as importantly, is the Postal Service's violations of equal employment opportunity as it applies to disabled veterans. Again, I believe our testimony supports our position in this matter.

As indicated in our testimony, the number of discrimination complaints against the Postal Service filed by the DAV far exceeds the total numbers of complaints filed against all other federal agencies. Since receipt of your letter, I requested information from EEOC regarding discrimination complaints. An informal response indicates that of all discrimination complaints formally lodged against federal departments and agencies, approximately 90% have been against the Postal Service.

The DAV has several recommendations to the Subcommittee as a possible solution to this problem.

(1) Continue your oversight of their policies. This could be in the form of additional hearings and follow-up correspondence to the Postmaster General demanding that he account for his actions.

(2) Work closely with the other appropriate Committees in the House and Senate which have jurisdiction over veterans' matters, as well as over Title 5, U. S. Code.

(3) Demand from the Postal Service a reasonable timetable and a plan to comply with existing law and their own personnel policies. I believe without question the testimony adduced during the hearing proved that the Postal Service is in violation of Section 2014, Title 38, U. S. Code; Section 3317, Title 5, U. S. Code; the Architectural Barriers Act of 1968 and their own Pre-Employment Medical Suitability Guidelines.

We have continually brought to the attention of the Postmaster General various deficiencies in their policies to include, what we believe, to be direct violations of law. As requested, I am providing you with copies of letters sent by the DAV and also the Postmaster General's responses since August of 1980 when the last oversight hearings were held.

I would like to point out that while I am presenting the views of the DAV from a national perspective, I would like, with your permission, to submit the attached prepared statement from Mr. Lennox Gilmer, Department Advocate for the DAV in the State of Colorado. Mr. Gilmer has consented to provide us with detailed documentation of his experiences with the Postal Service in the Denver area. We respectfully request that Mr. Gilmer's entire testimony be entered into the Hearing Record.

If you, or members of the Subcommittee, have any additional questions, please do not hesitate to contact me.

Sincerely,

Ronald W. Drach
RONALD W. DRACH
National Employment Director

RWD:ah

October 14, 1981

Dr. Donald J. Devine, Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D. C. 20415

Dear Dr. Devine:

As you are probably aware, the U. S. Postal Service published procedures on September 10, 1981 implementing Section 3312(b) of Title 5, U. S. Code.

While we are pleased that they have finally issued these procedures, we are concerned over the large numbers of disabled veterans (30% or more) who may have been denied rights legislatively mandated in the Civil Service Reform Act.

As you know, this has been accomplished almost a year after an opinion by OPM's General Counsel and almost three years after the enactment of the statute.

Of particular concern to the DAV has been the ongoing reluctance of the Postal Service to admit their obligations. The issue of the Postal Service being required to comply with the Veterans' Provisions of the Civil Service Reform Act of 1978 were brought to the attention of Postmaster General Bolger in December of 1978. In a letter to Harold Russell, Chairman, President's Committee on Employment of the Handicapped dated May 15, 1979 (copy attached), Mr. Bolger indicated under item 8, page 3, "...the provisions of the Civil Service Reform Act impacting on disabled veterans are applicable to the Postal Service."

This leaves no question in our mind that Mr. Bolger admitted as early as May 15, 1979 that they were to comply with the Veterans' Provisions of the Civil Service Reform Act. I must emphasize that Section 3312(b) was added by that Act and it is inexcusable for the Postal Service to have delayed compliance activities for almost three years.

Accordingly, we urge you to require the following of the Postal Service:

1) Review all employment applications from disabled veterans since October 13, 1978 who are rated 30% or more by the VA.

2) Determine which ones were denied employment based on medical unsuitability and require the Postal Service to justify their reasons to OPM and concurrently notify those covered veterans of this action; and

3) in those cases where OPM does not sustain the reasons that these individuals be offered employment as soon as possible.

In conclusion, we cannot sit idly by and allow the Postal Service through bureaucratic inaction to deny statutory rights conferred on this nation's disabled veterans by the Congress and a grateful nation.

Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd
Enclosure

cc: National Commander Roodzant
National Adjutant Adams
National Director of Services Hartnett
Asst. National Adjutant Wilson
Public Relations Assistant Keller
Administrative Assistant Woods
National Interim Employment Committee
Senator Simpson
Representative Montgomery

bcc: The Line
Representative Edgar

United States
Office of
Personnel Management Washington, D.C. 20415

JUL 1 4 1981

In Reply Refer To Your Reference

Mr. Ronald W. Drach
National Employment Director
National Service and Legislative
Headquarters
Disabled American Veterans
907 Maine Avenue, S.W.
Washington, D.C. 20024

Dear Mr. Drach:

In response to your letter dated April 8, 1981, we have thoroughly analyzed the authority of this agency to review personnel actions taken by the Postal Service.

As you suggested, OPM has given top priority to its review of the Postal Service's regulations implementing 5 U.S.C. § 3312(b). Since forwarding its initial comments on the regulations, OPM has been in close contact with the Postal Service. Dr. George M. Smith, Medical Director, OPM, and Dr. Irvin Hermann, Medical Director, U.S. Postal Service, have met, discussed the issues, and reached an agreement on the proposed regulations. The Postal Service is currently revising its procedures for implementing these regulations so that they are consistent with the provisions of the Rehabilitation Act of 1973, and with section 3312(b).

We are confident that OPM will receive adequate information to review determinations made by the Postal Service that a 30 percent veteran was unable to fulfill the physical requirements of any position for which he or she applied.

It is the opinion of our General Counsel that the Veterans Preference Act and the Civil Service Reform Act provide OPM with authority to review periodically the Postal Service's compliance both with section 3312(b) and with its own implementing regulations. The Office of Personnel Management is currently considering conducting on-site audits in order to ensure that the Postal Service is in compliance.

This agency is committed to enforcing all of the veterans preference provisions throughout the Federal Government; we do not intend to ignore the Postal Service.

I thank you for your expression of interest in this matter.

Sincerely,

Donald J. Devine
Director

July 29, 1981

Dr. Donald J. Devine
Director
Office of Personnel Management
1900 "E" Street, N.W.
Washington, D.C. 20415

Dear Dr. Devine:

On behalf of newly elected National Commander Sherman Roodzant and Past National Commander Stan Pealer, I would like to take this opportunity to thank you for taking the time out of your busy schedule to be with us at our National Convention in Miami, Florida. We especially appreciate your positive remarks regarding President Reagan and your committment to enforce veterans' preference laws in federal employment.

I would like to acknowledge receipt of your recent letter regarding our concern over the Postal Service's non-compliance with Section 3312(b) of Title 5, U.S. Code. We are pleased to learn that an agreement has been reached between OPM and the Postal Service on proposed regulations. We are however, concerned that approximately 10 months has gone by since the General Counsel's Office of OPM issued a ruling that the Postal Service must comply with Section 3312(b). We believe that the Postal Service should be mandated to adopt already existing regulations promulgated by OPM in this matter and further delay is inexcusable. We therefore urge you to compel the Postal Service to issue regulations immediately.

You also indicate in your letter, that you are considering conducting on-site audits of the Postal Service and we strongly urge you to initiate immediately such actions to assure future compliance by the Postal Service.

Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:dd

cc: National Commander Roodzant
National Adjutant Adams
Natl. Director of Svc. Hartnett
Asst. Natl. Adjutant Wilson
Public Relations Asst. Keller
Administrative Assistant Woods
Senator Simpson
Representative Montgomery

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

SEP 30 1981

Dear Mr. Drach:

The Postmaster General has asked me to respond to your letter of August 25, concerning compliance with Title 5, U.S. Code, and the removal of a preference eligible from the active register of eligibles

In Postmaster General William F. Bolger's letter to you of September 17, he outlined the steps we would be taking to comply with Section 3312 of Title 5, U.S. Code.

With respect to the preference eligible who was removed from the active registers of eligibles, I have been informed that Mr. Russian has appealed the medically unsuitable determination to our Southern Regional Office. That appeal is currently under review.

Thank you for your letter.

Sincerely,

Nancy L. George

Nancy L. George
Assistant Postmaster General
Employee Relations Department

Mr. Ronald W. Drach
National Employment Director
Disabled American Veterans
807 Maine Avenue, S. W.
Washington, D. C. 20024

August 26, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza
Washington, D. C. 20260

Dear Mr. Bolger:

I have recently obtained a copy of a resolution adopted by the Board of Governors of the United States Postal Service on Equal Employment Opportunity.

We are pleased to note that the Board of Governors has stated its support for EEO especially in the area of handicapped workers.

This obviously includes disabled veterans by virtue of their being "handicapped."

We are especially interested in the directive of the Board to your office which states that "...compliance and enforcement programs be strengthened" as well as the Quarterly EEO Status Report by region.

We would appreciate it if you would advise us of the steps you plan to take to "strengthen" your compliance and enforcement programs. It is interesting to note that the Postal Service officials still do not advise disabled veteran applicants who are denied employment on the basis of disability of their basic right to file an EEO complaint. This should certainly be one step that would help to accomplish the Board of Governors directive.

We also request that we be placed on the mailing list to receive a copy of the Quarterly EEO Status Report by region.

Your review and comments on these suggestions would be appreciated.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd

cc: National Commander Roodzant
National Adjutant Adams
National Director of Services Hartnett
Asst. National Adjutant Wilson
Public Relations Assistant Keller
Administrative Assistant Woods
Senator Simpson
Representative Montgomery
Representative Edgar

bcc: Line Officers

THE POSTMASTER GENERAL
Washington, DC 20260

September 17, 1981

Dear Mr. Drach:

Thank you for your August 26 letter regarding resolutions adopted by the Board of Governors on Equal Employment Opportunity.

The Office of Personnel Management (OPM) recently reviewed our proposed procedures for complying with Section 3312 of Title 5, United States Code, which requires review by OPM when an agency determines that a preference eligible with a 30 percent or more compensable disability is not able to meet the physical requirements of a position. I am pleased to inform you that our procedures for complying with Section 3312 have been published and distributed nation-wide. I am enclosing a copy of these instructions for your information.

With respect to notifying veterans of their right to file discrimination complaints when they have been denied employment because of a disability, the law does not require the Postal Service or any federal agency to notify an employee of the right to file a discrimination complaint when any type of adverse action is taken against that individual. The law requires the Postal Service, as well as all federal agencies, to post in conspicuous places notices which inform applicants, employees, and former employees how, where, when, and with whom discrimination complaints are to be filed. However, any prospective employee who is refused employment because of a medical determination is notified of his/her right to appeal the decision to the appropriate Postal Service Regional Office.

The Quarterly EEO Status Report to which you refer is an official in-house document and is not planned for public distribution. However, I'm sure at the open meetings of the Board of Governors a summary of this report will be discussed. These public discussions will be a means of keeping the public informed of our equal opportunity employment status.

Sincerely,

William F. Bolger

Mr. Ronald W. Drach
National Employment Director
Disabled American Veterans
807 Maine Avenue, S. W.
Washington, D. C. 20024

Enclosure

WOODS

DAV

Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

August 25, 1981

Mr. William F. Bolger
Postmaster General
U.S. Postal Service
L'Enfant Plaza
Washington, D.C. 20260

Dear Mr. Bolger:

When will the Postal Service comply with the law?

On numerous occasions we have asserted that the United States Postal Service is in violation of existing federal statutes and regulations regarding the Veterans' Preference Act of 1944, as amended, and the Equal Employment Opportunity Programs.

On two occasions we have obtained an opinion from the General Counsel of the Office of Personnel Management that the Postal Service's policies did indeed conflict with provisions of Title 5, U.S. Code.

On February 26, 1981 I received a letter from OPM General Counsel Margery Waxman addressing several issues, including the Postal Service's lack of authority to remove the name of a preference eligible from a register of eligibles. She states, "Further, only OPM may thereafter remove...name from future certificates." I am enclosing a copy of that opinion for your review.

I am also enclosing a copy of an August 14, 1981 letter which indicates that the Postmaster in Conroe, Texas has removed a preference eligible "from the active register of eligibles."

I must point out that the Postmaster does not have the authority to initiate this action without prior approval from OPM. We are taking the appropriate action on this individual's case to make the necessary appeals and complaints.

We anticipate your early review of this matter and expect a directive to be issued to all postal installations advising them that they are not authorized to remove a preference eligible from the register of eligibles without approval from the Office of Personnel Management. Kindly furnish us a copy of that as soon as possible.

Sincerely,

Ronald W. Drach

RONALD W. DRACH
National Employment Director

RWD:ar
Enclosures

September 18, 1981

Dr. Donald Devine
Director
Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

Dear Dr. Devine:

Enclosed is a copy of the February 26, 1981 letter signed by General Counsel Margery Waxman, which I am sure you will find to be self-explanatory.

Also enclosed is a copy of my August 25, 1981 letter to Postmaster General Bolger.

Regrettably, the Postal Service is continuing to violate provisions of Title 5, U.S. Code dealing with preference eligibles.

It has been almost eight months since this opinion and we don't think preference eligibles should have to wait a year for the Postal Service to comply with federal statutes.

As you may recall, on September 18, 1980 Ms. Waxman issued an opinion on the Postal Service's obligations under Section 3312(b) and it wasn't until September 10, 1981 that the Postal Service issued guidelines.

Accordingly, we would appreciate your intervention in this matter to assure timely compliance by the Postal Service.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:ar
Enclosures

April 8, 1981

Dr. Donald J. Devine
Director, Office of
Personnel Management
1900 "E" Street, NW
Washington, D.C. 20415

Dear Dr. Devine:

Enclosed is a copy of a March 30, 1981 letter from Postmaster General of the United States William F. Bolger regarding their compliance with Section 3312(b), Title 5, U.S. Code.

On September 18, 1980 Margery Waxman in her capacity as General Counsel, OPM, issued a ruling that the Postal Service had been in non-compliance with this section of law and were required to comply. Postmaster General Bolger advises us that their proposed regulations have been forwarded to OPM for review. We are urging that OPM give top priority to reviewing the Postal Service's regulations as well as making strict assurances that their proposal is not in conflict with existing regulations.

We would also appreciate knowing what steps OPM plans to take to assure future compliance by the Postal Service with this important provision of law. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:ar
Enclosure

cc: National Commander Pealer
National Adjutant Adams
Natl. Director of Svc. Hartnett
Asst. National Adjutant Wilson
Public Relations Asst. Keller
Administrative Assistant Woods
National Interim Employment Com.
Senator Simpson
Representative Montgomery

bc: The Line
Representative Edgar

THE POSTMASTER GENERAL
Washington, DC 20260

March 30, 1981

Dear Mr. Drach:

This is in response to your letter of March 12, concerning USPS compliance with Section 3312(b), Title 5, U. S. Code which provides that a veteran with a compensable service-connected disability of 30 percent or more is entitled to an appellate review by the Office of Personnel Management (OPM) of a nonselection action based on a determination of medical unsuitability.

Our proposed regulations have been forwarded to the OPM for review. Assuming no unforeseen delays at OPM, our new regulations should be published in a few weeks.

Thank you for your continued interest in this matter.

Sincerely,

William F. Bolger

Mr. Ronald W. Drach
National Employment Director
Disabled American Veterans
807 Maine Avenue, S. W.
Washington, D. C. 20024

DAV

Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

September 3, 1980

Ms. Eleanor Holmes Norton
Chair
Equal Employment Opportunity Commission
Washington, D.C. 20506

Dear Chair Norton:

As you are aware, the Disabled American Veterans is concerned over the hiring practices of the Postal Service as they relate to disabled veterans and handicapped individuals. We believe that in many instances these policies violate law and procedure and continue to discriminate against these groups.

The DAV has recently received a copy of a Postal Bulletin, "Pre-Employment Medical Provisions" and question these procedures. We are particularly concerned over the manner in which disabled veteran applicants are treated which is different than other applicant groups.

Please note that while the Postal Service requires a medical suitability determination of all applicants after a job offer is made, disabled veterans must also submit Veterans Administration medical records. While other applicants may be required to submit medical records, the disabled veteran is treated differently in at least two ways. One, unless such medical records are submitted, the individual cannot even be considered for appointment, and two, despite the requirement that medical records must be current based on a medical examination completed within the preceding twelve months, the section dealing with disabled veterans in the attached Postal Bulletin states, "No disabled veteran applicant will be appointed until VA medical records have been completely reviewed..." There is no qualifier in this section that the records must be "current".

We are also concerned over the pre-employment examination for applicants, be they disabled veterans or handicapped individuals, who do not reside in an area where a Postal Service Medical Officer or a contract physician is located. These applicants are again treated "differently" than other applicants in that those who are able to have their examination conducted by a Postal Service Medical Officer or a contract physician assume no cost, whereas the other individual who must obtain an exam by a private physician must pay for that exam.

In conclusion, we are asking EEOC to review the Postal Service's medical provisions dealing with pre-employment and rule on their propriety and legality. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:ll

Enclosure

cc: Nat'l Cmdr. Pealer
Nat'l Adj. Adams
Nat'l Dir. of Ser. Hartnett
Dir. of Comm. Wilson
Pub. Rel. Ass't Keller
Admin. Ass't Woods
Senator Cranston
Congressman Roberts

PRE-EMPLOYMENT MEDICAL PROVISIONS

Certain medical provisions relating to functional job requirements, environmental factors, and job descriptions used in hiring employees are being updated and standardized. These provisions will appear in a revision to Handbook P-11, *Personnel Operations,* to be distributed in a few months.

All selected eligibles for postal employment, regardless of duration or type of appointment, must receive pre-employment medical examinations to determine whether they meet the medical requirements of the Postal Service. These examinations are made by a USPS Medical Officer or a contract physician. When a private physician must be used because of location, Form 2485, *Certificate of Medical Examination,* is furnished by the hiring official. The medical requirements on Form 2485 are used by all Medical Officers, contract physicians, and private physicians for all pre-employment medical examinations. Part I of Form 2485 must be fully completed by the hiring official.

The cost of a pre-employment medical examination conducted by a private physician is borne by the prospective appointee. Examinations by medical officers or Federal medical officers are conducted at no expense to the individual.

Information from Hiring Official

Documents provided to physician performing examination:

1. Form 2485, *Certificate of Medical Examination.*
2. Position description.
3. Summary of applicant's employment history, prior service, etc., which could bear on the medical recommendations.
4. Relevant medical records.

a. If conducted by a USPS Medical Officer or contract physician, relevant medical records (from Veterans' Administration, for instance) should be requested in time to permit review by the examining physician.

b. VA or other relevant records are not made available to a private physician. The appointing official secures such records and sends them to the Medical Officer with the result of the examination, along with completed Forms 2485 and 2591, *Application for Employment,* and any other information which bears on medical suitability. If the postal installation has no personnel office, the records should be sent to the MSC responsible for transmittal to the Medical Officer. Confidentiality of medical information is of the utmost importance.

Determining Suitability

1. When a group of applicants are considered for appointment, the nonmedical suitability factors should be determined early enough to allow pre-employment physical examinations to be scheduled.

2. Final medical suitability determination is made only when an actual job offer is made. A medical examination is unnecessary if an applicant is considered unsuitable for other reasons.

Medical Records

1. All pre-employment medical examinations performed by private physicians (at no expense to the Postal Service) are reviewed by a USPS Medical Officer, or contract designee. When a physician is not available, a USPS nurse may review the examination form for completeness. These reviews must be conducted before appointment to a postal position.

2. Medical records from outside agencies which form the basis for a determination of suitability must be current, preferably based on a medical examination completed within the preceding twelve months.

3. Determination of medical unsuitability must be fully documented and based, as far as possible, on objective clinical indications or laboratory results. Each recommendation of medical unsuitability must include:

a. Description of applicant's specific physiological and/or psychological disability in lay terms.

b. Discussion of the specific requirements of the position which the applicant could not meet. Direct connection between the applicant's disability and specific job requirements that form the basis for unsuitability.

4. When the pre-employment medical examination reveals a medical or health problem of which the applicant is not aware, the examining physician should discuss the problem with the applicant and recommend that a personal physician be contacted for treatment, and record that recommendation.

5. Only in cases of severe psychiatric disability or serious medical or surgical condition, where release of medical diagnosis to the applicant could be injurious to the applicant's health, is the requirement for documentation waived.

6. Every effort should be made to recognize the capabilities of handicapped applicants and, where they are medically unsuitable for a position, to recommend them for consideration for other positions which they could perform without physical limitations.

Appointing Officials' Responsibilities

1. An appointing official's decision not to make an appointment because of medical reasons must be based on a determination of medical unsuitability by the examining or reviewing medical officer. If the appointing official wishes to take a course of action contrary to the determination of the examining or reviewing medical officer, and the matter cannot be resolved locally, the case may be sent through channels to the Regional General Manager, Employee Relations Division, for further medical review by the Regional Medical Director. Copies of all medical records involved must be sent directly from the medical officer to the Regional Medical Director.

2. Waivers may be considered (see Section 321.84 of TL-5 of P-11) when determining the suitability of otherwise eligible applicants, given full consideration to employment of the severely handicapped. The following factors should be considered in making a decision to waive physical requirements:

a. Past employment records.

b. Muscular residual power, especially in shoulder and hip.

c. Coordination of movement, body equilibrium and sense of security.

d. Endurance.

e. Effectiveness of any artificial aids.

f. Working environment under consideration.

g. Whether the duties would be hazardous to the individual or others. When physical requirements are waived, the appropriate handicap code should be recorded on the accession Form 50, and the waiver fully documented by memorandum. This memorandum should be filed in the OPF and the medical unit

Special Hiring

1. The Postal Service gives preference to eligible veterans. VA medical records must be made available to the examiner for *disabled veterans* applicants before the examination. No disabled veteran applicant will be appointed until VA medical records have been completely reviewed, a current medical examination scheduled where necessary, and the medical suitability recommendation has been received. A completed Form 2485 is required in all cases.

2. There is a special eligibility register of applicants certified by state vocational rehabilitation agencies as *severely handicapped* from which appointments to casual positions are made. After successful completion of two 90 day casual appointments these employees may be converted to career.

3. Hiring individuals with a history of *drug abuse* are covered in 315 of the current (TL-5) issue of P-11. No individual under treatment for drug abuse will be appointed.

4. Decisions on *reinstatement* eligibility are made by the appointing official and are final. They are not subject to appeal. The medical requirements apply to reinstatements as well as all other appointments. Medical requirements will apply for re-employment of individuals on disability compensation. The authority to waive medical requirements exists. The Office of Workers' Compensation Programs (OWCP) makes referrals of current and former postal employees who are candidates for re-employment.

Work Limitation Tolerance

1. The individual's physician furnishes OWCP with a definitive medical summary, clearly documenting the medical limitations that must be accommodated. The OWCP District Medical Director evaluates the work limitation tolerances submitted by the physician of record, and upon concurrence, refers them to the USPS for consideration.

2. USPS Medical Review—re-employment medical examination.

a. The Medical Officer evaluates medical records referred from the OWCP district offices.

b. A complete medical examination, paid for or provided by USPS, is required by the appointing official. The results of the examination are to be recorded on Form 2483.

c. The Medical Officer concurs with the OWCP documented medical limitations, or further restricts the former employee's work limit tolerances as provided on the OWCP form. The Medical Officer cannot liberalize the limitations tendered by the OWCP district offices.

3. Special Considerations. An individual referred for re-employment consideration by OWCP may have some degree of co-existing disability not caused by or related to the original job injury or disability. The USPS Medical Officer should examine for any such medical condition that might prevent the individual from performing the duties of the position for which the individual is being considered.

The USPS Medical Officer evaluates all co-existing disabilities and includes their potential impact in the recommendations for re-employment to the appointing official.

The USPS Medical Officer is responsible for assigning the correct handicap code (defined in P-11, Chapter 6) for all former employees who have some residual handicap.—*Employee Relations Dept., 3-6-80.*

December 23, 1980

Ms. Eleanor H. Norton, Chairwoman
Equal Employment Opportunity
 Commission
2401 E Street, NW
Washington, D.C. 20506

Dear Chairwoman Norton:

Enclosed is a copy of an article which appeared in the Washington Star, Fairfax Star Section on Thursday, December 11, 1980, which I am sure you will find to be self-explanatory.

It is our opinion that the Postal Service continues to practice open discriminatory policies against handicapped individuals and we would appreciate this letter being accepted as a formal complaint of systemic discrimination against the handicapped by the U.S. Postal Services' Northern Virginia Regional facility located in Merrifield, Virginia.

It is my understanding that Ms. LaCosse has filed a discrimination complaint and is following the prescribed procedures. However, it is indicated in the article that besides Ms. LaCosse, thirteen (13) additional deaf employees are employed as mail sorters at that installation. It would appear that while this particular installation may hire the handicapped, they certainly fall short of advancing handicapped employees in employment as is required by Section 501 of the Rehabilitation Act, as amended. It is further indicated by the U.S. Postal Services' Equal Employment Opportunity Director, Norman Adamson, that "most of them, [deaf employees] says Adamson, work on letter sorting machines. The noise level (on the machines) is very high, and it doesn't really bother them..."

Not only are their policies discriminatory but their attitude as displayed by Mr. Adamson is from the 18th Century. What handicapped employees do not need are "work ghettos."

We would appreciate your review of this matter and acceptance of this complaint of systemic discrimination. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

September 12, 1980

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza
Washington, D. C. 20260

Dear Mr. Bolger:

The Disabled American Veterans continues to be distressed over the Postal Services' hiring practices and policies as they affect disabled veterans and handicapped individuals. We remain less than impressed or satisfied with the responses received from the Postal Service and believe the testimony provided by Ms. Nancy George at recent oversight hearings constituted nothing more than "fancy footwork" and fell far short of addressing numerous issues regarding your policies.

We recently received a Postal bulletin delineating "Pre-Employment Medical Provisions" and based on our review we must conclude that they discriminate against disabled veterans, treat them differently than other applicants, violate the intent of veterans' preference and are an illegal and improper way to assess an individual's ability to perform the duties of the job.

We have numerous concerns over these guidelines and foremost is the requirement that disabled veteran applicants must submit their VA medical records for a complete review and unless they do so, they cannot even be considered for appointment. This is in direct violation of the Veterans' Preference Act of 1944, as amended.

Another apparent violation of the Veterans' Preference Act is the provision which gives authority to appointing officials to waive physical requirements. It would appear from this guideline that this waiver is purely arbitrary and totally ignores Section 3312 (a)(2), Title 5, U. S. Code which states that OPM or other examining agency shall waive the physical requirements after considering the recommendation of an accredited physician. Your guidelines fall far short of that mandate in that there is no requirement that the waiver shall be made and further they are devoid of any reference to a recommendation of an accredited physician.

We would appreciate your early attention and review of these matters and strongly urge you to modify these guidelines to comply with existing legislation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd

cc: Nat'l. Cdr. Pealer
Nat'l. Adj. Adams
Nat'l. Dir. of Services Hartnett
Asst. Nat'l. Adj. Wilson
Asst. Dir. of Communications Keller
Admin. Asst. Woods
Senator Cranston
Congressman Roberts

bcc: Sr. Vice Cdr. Roodzant
1st Jr. Vice Cdr. Galian
2nd Jr. Vice Cdr. Joyner
3rd Jr. Vice Cdr. Ascheman
4th Jr. Vice Cdr. King
Nat'l. Judge Advocate Maile
Nat'l. Chaplain Meersman

UNITED STATES POSTAL SERVICE

SENIOR ASSISTANT POSTMASTER GENERAL
Employee and Labor Relations Group
Washington, DC 20260

OCT 02 1980

Dear Mr. Drach:

Postmaster General William F. Bolger has asked me to respond to your letter of September 12 concerning our employment of disabled veterans.

In response to the specific areas of concern you raise, we do not believe that requiring Veterans Administration medical surveys and disability ratings is discriminatory. Our concern is to obtain as much current medical information as possible to assist in evaluating the applicant's medical suitability for a position. We recognize that securing Veterans Administration medical records is the responsibility of the employer, rather than the applicant. In many cases, however, the veteran is able to get his records more quickly than the postal manager. Since it is in both parties' interests to get the records as soon as possible, we permit veterans to furnish these records if they wish. However, it is not a requirement that they do so.

Whether the records are requested from the Veterans Administration by the veteran or by the postmaster, we still feel we need them in order to assist in making the medical suitability determination. Rather than appoint a disabled veteran without the benefit of the Veterans Administration medical records, most postmasters will give consideration and make tentative selections, but withhold a vacancy pending receipt of the requested information. Disabled veterans are by definition disabled in some way, and it is important that we have all relevant and material medical information that may be available. Likewise, if we have information that non-veterans may be disabled, we ask them to furnish additional information to assist us in determining their medical qualifications. You do not specify how this requirement to provide additional medical information violates the Veterans' Preference Act of 1944, as amended, and we do not believe that it does.

Our regulations require that all prospective employees meet the physical standards of the positions for which they apply. The nature of the work done by thousands of postal employees is physically demanding. Some individuals, while unable to meet all of the established physical requirements, may be able to perform the essential duties of certain positions efficiently and without hazard to themselves or others. For this reason, appointing officials may waive the Postal Service physical requirements to accommodate those persons with disabilities after considering the recommendation of a Postal Service Medical Officer. Contrary to your assertion, the requirement for considering qualified medical opinion in determining whether to grant a waiver is quite clearly spelled out in the governing regulations in Section 326.2 of our P-11 Handbook.

We likewise do not agree that the provisions on waiver of physical qualifications are violative of 5 U.S.C. Section 3312. That statutory section provides, in pertinent part, that an examining agency, in this case, the Postal Service "shall waive...physical requirements if, in the opinion of the...examining authority, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position." We believe that our pre-employment medical suitability regulations are fully in accord with the letter and spirit of these provisions.

In sum, we do not believe changes to these portions of our medical pre-employment suitability regulations are warranted.

Sincerely,

Carl C. Ulsaker

Mr. Ronald W. Drach
National Employment Director
Disabled American Veterans
807 Maine Avenue, S.W.
Washington, D.C. 20024

DAV

Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

September 3, 1980

Ms. Eleanor Holmes Norton
Chair
Equal Employment Opportunity Commission
Washington, D.C. 20506

Dear Chair Norton:

As you are aware, the Disabled American Veterans is concerned over the hiring practices of the Postal Service as they relate to disabled veterans and handicapped individuals. We believe that in many instances these policies violate law and procedure and continue to discriminate against these groups.

The DAV has recently received a copy of a Postal Bulletin, "Pre-Employment Medical Provisions" and question these procedures. We are particularly concerned over the manner in which disabled veteran applicants are treated which is different than other applicant groups.

Please note that while the Postal Service requires a medical suitability determination of all applicants after a job offer is made, disabled veterans must also submit Veterans Administration medical records. While other applicants may be required to submit medical records, the disabled veteran is treated differently in at least two ways. One, unless such medical records are submitted, the individual cannot even be considered for appointment, and two, despite the requirement that medical records must be current based on a medical examination completed within the preceding twelve months, the section dealing with disabled veterans in the attached Postal Bulletin states, "No disabled veteran applicant will be appointed until VA medical records have been completely reviewed..." There is no qualifier in this section that the records must be "current".

We are also concerned over the pre-employment examination for applicants, be they disabled veterans or handicapped individuals, who do not reside in an area where a Postal Service Medical Officer or a contract physician is located. These applicants are again treated "differently" than other applicants in that those who are able to have their examination conducted by a Postal Service Medical Officer or a contract physician assume no cost, whereas the other individual who must obtain an exam by a private physician must pay for that exam.

In conclusion, we are asking EEOC to review the Postal Service's medical provisions dealing with pre-employment and rule on their propriety and legality. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:ll

Enclosure

cc: Nat'l Cmdr. Pealer
Nat'l Adj. Adams
Nat'l Dir. of Ser. Hartnett
Dir. of Comm. Wilson
Pub. Rel. Ass't Keller
Admin. Ass't Woods
Senator Cranston
Congressman Roberts

M. WOODS

DAV

Motto "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

August 26, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza
Washington, D. C. 20260

Dear Mr. Bolger:

I have recently obtained a copy of a resolution adopted by the Board of Governors of the United States Postal Service on Equal Employment Opportunity.

We are pleased to note that the Board of Governors has stated its support for EEO especially in the area of handicapped workers.

This obviously includes disabled veterans by virtue of their being "handicapped."

We are especially interested in the directive of the Board to your office which states that "...compliance and enforcement programs be strengthened" as well as the Quarterly EEO Status Report by region.

We would appreciate it if you would advise us of the steps you plan to take to "strengthen" your compliance and enforcement programs. It is interesting to note that the Postal Service officials still do not advise disabled veteran applicants who are denied employment on the basis of disability of their basic right to file an EEO complaint. This should certainly be one step that would help to accomplish the Board of Governors directive.

We also request that we be placed on the mailing list to receive a copy of the Quarterly EEO Status Report by region.

Your review and comments on these suggestions would be appreciated.

Sincerely,

Ronald W. Drach
RONALD W. DRACH
National Employment Director

RWD:lmd

Resolution of the Board of Governors of the United States Postal Service on Equal Employment Opportunity

RESOLVED:

The United States Postal Service has a national role to play as a model in industrial democracy in the employment of women, minority, older and handicapped workers. Toward this end, the Board of Governors of the United States Postal Service hereby declares its commitment to equal employment opportunity in the Postal Service. We seek a Postal Service in which employees can pursue their work, and advance in their careers, free from discrimination and harassment, and from the fear of discrimination and harassment. For the Postal Service, which is becoming a major employer of women and is one of the Nation's largest employers of minorities, equal employment opportunity has a special significance.

The Affirmative Action Plans recently developed by the Postal Service must be implemented vigorously, and the Board fully expects that this will be done. The Board also directs that compliance and enforcement programs be strengthened, coupled with an unambiguous prohibition of reprisals or attempted intimidation against those who complain.

To assure management accountability in progress toward these objectives, the Board requests that the Postmaster General prepare and submit to it a Quarterly EEO Status Report by region.

The Board directs that this Resolution be brought to the attention of each employee of the Postal Service.

The foregoing Resolution was adopted by the Board of Governors on August 4, 1981.

March 16, 1981

Honorable Alan K. Simpson
Chairman
Senate Veterans Affairs Committee
United States Senate
410 Russell Senate Office Building
Washington, D. C. 20510

Dear Chairman Simpson:

As you may be aware, on August 26, 1980 the Subcommittee on Education, Training and Employment, House Veterans Affairs Committee held oversight hearings on the Postal Service's policies of hiring disabled veterans. I appeared at that time and provided testimony with supporting documentation that the Postal Service discriminates against disabled veterans in its employment policies as well as circumvents federal statute.

I am enclosing for your review a copy of that testimony and subsequent correspondence with the Postal Service including two General Counsel opinions from the Office of Personnel Management which support our previous contentions that the Postal Service violates Congressional mandates. I would like to point out that the September 18, 1980 General Counsel opinion has yet to be implemented. Accordingly, we believe that additional oversight hearings are necessary by your Committee to bring before you officials of the Postal Service to answer why they refuse to comply with federal law.

I would strongly urge that the hearings be scheduled to conform with an appropriate time so Postmaster General Bolger himself may appear and I would further urge that you do not settle for his subordinates' appearances in lieu thereof.

I look forward to working with you and members of your staff on this most important matter and hope you are able to schedule separate hearings on this issue. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd
Enclosures

cc: National Commander Pealer
National Adjutant Adams
National Director of Services Hartnett
Asst. National Adjutant Wilson
Public Relations Assistant Keller
Administrative Assistant Woods
National Interim Employment Committee

March 12, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza, S. W.
Washington, D. C. 20260

Dear Mr. Bolger:

On September 18, 1980 Margery Waxman, General Counsel, Office of Personnel Management, forwarded an opinion to Ms. Nancy L. George, Assistant Postmaster General regarding the Postal Service's requirement to comply with Section 3312(b), Title 5, U. S. Code.

On October 7, 1980 I wrote to Ms. George asking her to provide this office with copies of any directives issued to assure prompt and adequate implementation of this provision of law. Approximately five months have gone by and we have yet to receive any information regarding the Postal Service's intent to comply with existing legislation. Accordingly, we would appreciate information from your office as to when we can expect regulations to be issued.

Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd
Enclosures
cc: Ms. Margery Waxman,
General Counsel, OPM
National Commander Pealer
National Adjutant Adams
National Director of Services Hartnett
Asst. National Adjutant Wilson
Public Relations Assistant Keller
Administrative Assistant Woods
National Interim Employment Committee
Senator Simpson
Representative Montgomery
Representative Edgar

bcc: The Line

SENIOR ASSISTANT POSTMASTER GENERAL
Employee and Labor Relations Group
Washington, DC 20260

April 1, 1981

Dear Mr. Drach:

Postmaster General William F. Bolger has asked me to respond to your March 12 letter concerning Postal Service compliance with Section 3312, Title 5, U. S. Code.

Our proposed procedures for review of Postal Service decisions to pass over or object to compensable preference veterans with more than 30 percent compensable disability (CPS) has been sent to the Office of Personnel Management (OPM) for final review. This should be accomplished within the next few weeks, after which the procedures will be incorporated into our Handbook P-11, Personnel Operations.

Under these guidelines, if the OPM's medical officer sustains the reasons for the tentative rejection by the Postal Service, the eligible's name will be removed from the register. The CPS veteran will be sent a notification by the OPM of the final determination. If the OPM does not sustain the appointing official's determination, the eligible will be processed for appointment.

In reference to the inquiry you received on behalf of a disabled veteran who was denied employment at the Colorado Springs Post Office on the basis of medical suitability, that individual, as a ten-point preference eligible, is entitled to reopen the Automated Markup Clerk examination. That position, which involves lifting up to 35 pounds, appears to be within the medical limiations of the individual mentioned in Mr. C. A. Rohr's letter of December 11, 1980, on this subject.

Thank you for your continued interest in this matter.

Sincerely,

Carl C. Ulsaker

Mr. Ronald W. Drach
National Employment Director
Disabled American Veterans
807 Maine Avenue, S. W.
Washington, D. C. 20024

March 12, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza, S. W.
Washington, D. C. 20260

Dear Mr. Bolger:

As a result of an inquiry received on behalf of a disabled veteran, this office contacted the U. S. Postal Service in Colorado Springs, Colorado on December 4, 1980 asserting that the Postal Service did not have the authority to remove the individual from the Certificate of Eligibles.

A reply was received under date of December 11, 1980 (copy enclosed) from Mr. C. A. Rohr which insisted that the authority did exist to remove the individual based on not being medically suitable. Because of the obvious conflict in interpretation we requested an opinion from the Office of the General Counsel, Office of Personnel Management and received the attached February 26, 1981 decision. In the interim I received a response from Mr. C. A. Rohr dated December 29, 1980 (copy enclosed) which cites Part 326.44 of the U. S. Postal Service P-11, Personnel Operations Handbook as the authority to remove a preference eligible for medical reasons.

It would appear that in view of the recent General Counsel's opinion Part 326.44 is in violation of existing statute and accordingly should be amended to reflect the Postal Service's obligations under the Veterans' Preference Act, as amended, and codified in Title 5, U. S. Code.

Accordingly, we request such an amendment and change with appropriate information to Postal Service installations to assure future compliance with existing legislation. We anticipate an early favorable response from your office.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd
Enclosures
cc: Ms. Margery Waxman,
General Counsel, OPM

cc: National Commander Pealer
National Adjutant Adams
National Director of Services Hartnett
Asst. National Adjutant Wilson
Public Relations Assistant Keller
Administrative Assistant Woods
National Interim Employment Committee
Senator Simpson
Representative Montgomery
Representative Edgar

bcc: The Line

July 10, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza
Washington, D. C. 20260

Dear Postmaster General Bolger:

The attached letter recently has been brought to our attention regarding the Postal Service's attempt to have identifiable ten point compensable veterans provide information as to their percentage of service-connected disability.

According to the letter, this is in accord with the Office of Personnel Management's establishment of a "veteran designation reporting system" and in the concluding paragraph of this letter it is indicated that "completion of this information is voluntary; however, if this information is not provided it may result in an improper classification of your veteran preference status."

For purposes of the Postal Service's collection of this type of information, we find it necessary to advise individuals who contact us not to complete this information. The reason for this advice is that we are unaware of any "improper classification" impact this may have on disabled veterans since the Postal Service has, to our knowledge, no classification other than ten point compensable and ten point noncompensable. We would appreciate a clarification of the request for this information in order that we may be in a better position to advise disabled veterans who contact us.

Of more concern to us is an issue based on a recent telephone conversation regarding information requested through Postal Bulletin 2129-7, dated May 7, 1981.

I have been informed from a disabled veteran Postal employee that the aforementioned bulletin requires a disabled veteran to notify the Postal Service of the percent of disability, as well as sign an authorization to release medical records. We believe this is in direct violation of the veteran's privacy and would serve no useful purpose to the Postal Service other than for them to terminate disabled veterans based on medical evidence.

Accordingly, we would appreciate it if you would provide us with a copy of the referenced Postal Bulletin as well as the authority under which you are requesting this information. Thank you in advance for your anticipated cooperation.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:lrd
Enclosure

May 11, 1981

Mr. William Bolger
Postmaster General
U. S. Postal Service
L'Enfant Plaza, SW
Washington, DC 20260

Dear Mr. Bolger:

Regrettably, this office continues to receive, on an almost daily basis, complaints from disabled veterans who have been denied employment with the Postal Service.

In every case that has come to my attention, the applicant has been advised of the right to file an "appeal" to the Regional Medical Director. I have yet to see the applicant being advised of the right to file a discrimination complaint alleging discrimination on the basis of disability. Please advise us what the policy of the Postal Service is in counseling applicants and employees of their rights to file a discrimination complaint if they believe some type of action has been taken against them based on medical suitability.

We would also appreciate receiving answers to the following questions:

1. Since April 10, 1978 how many complaints of discrimination have been filed against the Postal Service alleging discrimination on the basis of a physical or mental handicap?
2. Of those filed, how many have been resolved favorably/unfavorably on behalf of the complainant.
3. Of the complaints still pending, how many have been pending more than 180 days?
4. What is the average length of time in the resolution of complaints?

We would appreciate these data for both disabled veterans and handicapped individuals.

We would appreciate it if you would furnish us a copy of the medical standards used by the Postal Service to determine medical suitability.

Your early attention and response to this is appreciated.

Sincerely,

RONALD W. DRACH
National Employment Director

RWD:ah

cc: National Commander Pealer
National Adjutant Adams
Natl. Director of Svc. Hartnett
Asst. National Adjutant Wilson
Public Relations Asst. Keller
Administrative Assistant Woods
National Interim Employment Com.
Senator Simpson
Representative Montgomery

DAV

Motto: "If I cannot speak good of my comrade, I will not speak ill of him."

DISABLED AMERICAN VETERANS

NATIONAL SERVICE and LEGISLATIVE HEADQUARTERS
807 MAINE AVENUE, S.W.
WASHINGTON, D.C. 20024
(202) 554-3501

October 7, 1980

Ms. Nancy L. George
Assistant Postmaster General
Employee Relations Department
United States Postal Service
475 L'Enfant Plaza, S. W.
Washington, D. C. 20060

Dear Ms. George:

I have recently received a letter from Margery Waxman, General Counsel, Office of Personnel Management, as well as a copy of Ms. Waxman's opinion forwarded to you under date of September 18, 1980 regarding the rights of certain disabled veteran applicants to an appellate review by OPM based on nonselection actions by the Postal Service.

As you are aware, this is an issue of grave concern to the Disabled American Veterans and since it is indicated in Ms. Waxman's letter to me that she has been assured that it will be implemented, we are requesting your office to provide us copies of a directive issued to your installations to assure prompt and adequate implementation of this provision of law.

Thank you in advance for your anticipated cooperation.

Sincerely,

Ronald W Drach

RONALD W. DRACH
National Employment Director

RWD:lrd
cc: Nat'l. Cdr. Pealer
Nat'l. Adj. Adams
Nat'l. Dir. of Services Hartnett✓
Dir. of Communications Wilson
Asst. Dir. of Communications Keller
Admin. Asst. Woods
Nat'l. Interim Employment Committee
Senator Cranston
Congressman Roberts

United States of America
Office of Personnel Management
Office of the General Counsel
Washington, D.C. 20415

In Reply Refer To:

SEP 18 1980

Your Reference

Mr. Ronald W. Drach
National Service and Legislative
Headquarters
807 Maine Avenue, S.W.
Washington, D.C. 20024

Dear Mr. Drach:

Your letter to Director Campbell, dated August 20, 1980, has been referred to this office for reply.

As explained in the enclosed letter to Assistant Postmaster General Nancy L. George, it is our opinion that a veteran with a compensable service-connected disability of 30 percent or more is entitled to an appellate review by the Office of Personnel Management of a nonselection action by the Postal Service based on a determination of medical unsuitability.

The Postal Service has met with us concerning this opinion and assured us that it will be implemented.

I hope that this information will be of assistance to you.

Sincerely yours,

Margery Waxman

Margery Waxman
General Counsel

Enclosure

cc: Ms. Nancy L. George
Assistant Postmaster General
Employee Relations Department
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 2006
Attention: Mr. Barry Swinehart

United States of America
Office of
Personnel Management

Office of the General Counsel
Washington, D.C. 20415

In Reply Refer To:

Your Reference:

SEP 18 1980

Ms. Nancy L. George
Assistant Postmaster General
Employee Relations Department
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Dear Ms. George:

Your letter of May 23, 1980, has been referred to this office for reply. The question presented is whether a disabled veteran applicant for employment with the Postal Service, who has a compensable disability of 30 per cent or more, is entitled to an appellate review by the Office of Personnel Management (OPM) of a nonselection action based on a determination of medical unsuitability. It is the opinion of this office that these individuals are entitled to an appellate review of such nonselection actions by OPM.

3312(b)
Title 5
USC

Pertinent Statutory Provisions

Section 3312 of title 5 provides as follows:

> (a) In determining qualifications of a preference eligible for examination for, appointment in, or reinstatement in the competitive service, the Office of Personnel Management or other examining agency shall waive--
>
> > (1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and
> > (2) physical requirements if, in the opinion of the Office or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.
>
> (b) If an examining agency determines that, on the basis of evidence before it, a preference eligible under section 2108(3)(C) 1/ of this title who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the position, the examining agency shall notify the Office of the determination and, at the same time, the examining agency shall notify the preference eligible of the reasons for the determination and of the right to respond, within 15 days of the date of notification, to the Office. The Office shall require a demonstration by the appointing authority that the notification was timely sent to the preference

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1/ Section 2108(3)(C) of title 5 defines "preference eligible" to mean a disabled veteran.

> eligible's last known address and shall, before the selection of any other person for the position, make a final determination on the physical ability of the preference eligible to perform the duties of the position, taking into account any additional information provided in any such response. When the Office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the appointing authority and the preference eligible. The appointing authority shall comply with the findings of the Office. The functions of the Office under this subsection may not be delegated. (Emphasis added.)

The second pertinent statutory provision appears in the Postal Reorganization Act and states as follows [39 U.S.C. 1005(a)(2)]:

> The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. *** (Emphasis added.)

Section 1005(a)(2) was an amendment to the Postal Reorganization Act offered by Congressman Olsen on the House floor which was adopted by the House on June 18, 1970. Congressman Olsen, along with Senator Hartke, was concerned that the House and Senate Postal Reorganization bills then under consideration did not give adequate protection to veterans. The bills simply said that "veteran preference would apply in the new Postal Service." It was feared that this would allow the substance of the preferences to be modified by Postal regulations and/or collective bargaining agreements. Congressman Olsen explained that the purpose of his amendment was to assure that the veterans in the Postal Service would retain all of the rights which they then had in the law:

> ...the purpose of the amendment is to clarify and maintain all of the veterans' preference rights that presently exist in the law.
>
> We want to clarify and maintain those...veterans' rights after the employees in this new organization have been removed from the competitive civil service by the postal reorganization legislation.
>
> The bill, as it stands now, is particularly and may be purposely, although I do not charge that, but it is particularly vague as to the rights of veterans entering the Postal Service.
>
> Veterans applying for jobs in the Postal Service should have the same rights as veterans entering the regular competitive civil service in the Government.

> If you believe in the preference rights of veterans as regards the Postal Service, in the matter of employment and reemployment and on returning from military service and the rights of appeal that veterans have concerning adverse actions and releasing of employees when reductions in the work force occur, then I urge that you support my amendment so the preference rights of postal service veterans cannot be negotiated away in future collective bargaining.
>
> This amendment is purely and simply to maintain the present well established preference rights of veterans. (Emphasis added.) [116 Cong. Rec. Part 15, 20432 (June 18, 1970).]

Subsequently, on June 30, 1970, Senator Hartke offered a similar amendment on the Senate floor. The Senator explained:

> I am concerned, however, that in our haste to report a bill for expeditious consideration, the committee might not have made clear its intent with regard to the position of veterans in the postal service. That is the purpose of my amendment today to make crystal clear my own position in this regard, and to clarify and maintain all of those rights which veterans presently enjoy under existing law.
>
> Under existing law, a veteran of the military service has certain rights in the postal service in the matter of employment and reemployment on returning from the military service. The veteran has the rights of appeal in adverse actions and the releasing of employees when reductions in the work force occur. These rights, guaranteed by the Veterans Preference Act of 1944, are the same rights enjoyed by veterans in any other branch of the competitive civil service. (Emphasis added.) [116 Cong. Rec. Part 16, 22337 (June 30, 1970).]

The right of 30 percent disabled veterans to an appellate review of their physical qualifications by OPM is required by the recent amendment to section 3312 in the Civil Service Reform Act. That amendment expressly provides that appellate review for such employees/applicants rests with OPM and cannot be delegated to agencies. Thus by adopting this amendment Congress has indicated clearly that OPM has and must retain this function.

Conclusion

It is, therefore, the opinion of this office that a disabled veteran applicant for employment with the Postal Service who has a compensable service-connected disability of 30 percent or more, shall receive the same notification and review, where a determination is made that the disabled veteran is not able to fulfill the physical requirements of the position for which he or she has applied, as an applicant for appointment in the competitive service would receive.

We hope that this information will be of assistance to you.

Sincerely yours,

Margery Waxman

Margery Waxman
General Counsel

UNITED STATES POSTAL SERVICE
Washington, DC 20260

F
B
G

The U.S. Office of Personnel Management (OPM) is establishing a veteran designation reporting system based on the percentage of service-connected disabilities of federally employed 10-point compensable veterans.

To conform with that code identification system, the Postal Service is conducting a survey of compensable veterans currently on the rolls.

As an employee identified as a 10-point compensable veteran, you are requested to complete the information in the space provided below, indicating your percentage of disability as determined by the Veterans Administration.

The collection of this information is authorized by 39 USC 1005. This information will be used to determine and verify veterans' disability status, and will be included as part of your official personnel records. As a routine use, this information will be disclosed to OPM for the automated Central Personnel Data File.

This information will be maintained in your Official Personnel Folder (USPS Privacy Act system of records 120.070) and may be disclosed in accordance with other routine uses for that system. Completion of this information is voluntary; however, if this information is not provided it may result in an improper classification of your veteran preference status.

Percentage of Service-Connected Disability ____

7-7-81

(Date)

UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

December 31, 1981

Honorable Robert W. Edgar
Chairman, Subcommittee on Education,
Training and Employment
Committee on Veterans Affairs
U. S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Edgar:

As promised during my testimony on October 14, 1981, enclosed is a copy of the U. S. Postal Service's Affirmative Action Plan for Handicapped Individuals which was submitted to the Equal Employment Opportunity Commission on December 17, 1981.

Sincerely,

Nancy L. George

Nancy L. George
Assistant Postmaster General
Employee Relations Department

Enclosure

DEC 17 1[illegible]

Dear Mr. Smith:

I am pleased to submit the FY 1982 Affirmative Action Plan and Report of Accomplishments for the Handicapped for the United States Postal Service.

The Postal Service is proud of its historic performance in providing employment opportunities for handicapped individuals. Handicapped employees, across a broad spectrum of postal jobs, effectively contribute to our daily business of collecting, processing, and delivering our Nation's mail.

In submitting our plan, I would like to direct your attention first of all to some of our significant accomplishments this past year.

1. Career Work Force Increase

   The participation of handicapped individuals in our career work force has increased by 8.82 percent. The participation of individuals with targeted disabilities has increased by 4.7 percent.

2. Organizational Change

   We recently transferred management responsibility for the Handicap Program to the Employment and Placement Division, Office of Human Resources, to move the Handicap Program directly into the mainstream of postal employment policy administration. The Employment and Placement Division has responsibility for Servicewide employment, selection policies and procedures, development of selection devices and qualification standards for jobs, and development of procedures that allow for waiver of particular physical requirements. We are actively considering a similar change of program emphasis in our regional structure and expect to accomplish that change before the end of this year.

3. Modification of Physical Requirements

We have begun a systematic effort to review the physical requirements for key jobs to ascertain if any could be modified to enhance the employability of individuals who would otherwise be ineligible, while at the same time ensuring the safety of the employee and the public. This effort has already resulted in two changes.

- The prior requirement that operators of any size motor vehicle have the ability to hear a conversational voice at 15 feet has been modified for positions requiring operation of vehicles under 5 tons GVW. For these smaller vehicles there is now no hearing requirement.
- Work on modifying vision requirements for right-hand drive vehicles for clerks, carriers, and special delivery messengers was begun. The prior standard of 20/40 corrected in one eye and 20/50 corrected in the other has been modified to 20/40 corrected in one eye only. Instructions on this modification have recently been released to our field service.

4. Phase I of Handicapped Data Base Refinement

The first phase of a significant project to accurately identify handicapped individuals within the work force was completed. During this phase computerized printouts with handicap codes assigned to each individual were sent to the appropriate work locations. The supervisor was given responsibility for verifying the accuracy of the code and converting it to the new code listed on PS Form 2567. Employees were not contacted personally during this phase of the identification process. Those who had impairments which could not be specifically identified were coded "Handicap Not Identified."

At the same time, P-11, Personnel Operations Handbook, was revised to show new handicap codes and procedures for reporting accessions with handicaps.

Phase II of our continuing effort to refine our data base will be initiated in FY 1982.

5. Reemployment of Incumbents Injured on Duty

During FY 1981, the Postal Service successfully returned approximately 1,000 injured employees with various types of physical impairments to active employment. In many instances, reasonable accommodation to the employees' diminished capacities was made.

6. Recognition of Outstanding Handicapped Employees

Throughout the year, a variety of postal publications carried articles recognizing the efforts of our handicapped employees. This is part of an effort that will continue in FY 1982 of enhancing the awareness of managers and employees of the significant contribution handicapped individuals can make.

In reviewing our program plan for FY 1982, please take note of the following important goals:

1. Career Work Force Increase

During FY 1982, our objective will be to increase the number of handicapped employees in our career work force nationwide by 10.00 percent and to increase the number of employees with targeted disabilities by 5.26 percent.

2. Reasonable Accommodation

We plan to develop and issue to our postal field service specific guidelines on the kinds, and extent, of reasonable accommodations that can be made to a variety of postal jobs to enhance employment opportunities for handicapped individuals.

3. Management Training

We plan to develop and implement a training course for postal supervisors to increase their sensitivity to the needs of handicapped individuals and to enhance their capability of managing handicapped employees.

4. Census of Career Work Force

We plan to implement Phase II of our data base refinement by June 1982, conducting a nationwide census of postal career employees to further identify the level of participation of handicapped employees and to further refine our data base to more accurately reflect the number and kind of handicapped employees so that more definitive and realistic goals for program improvement can be set in future years. Our personnel data base concerning handicapped has never fully recovered from problems experienced in the total redesign of our payroll/personnel information system necessitated by the Fair Labor Standards Act. We will correct those deficiencies this year.

5. Reporting Systems

We plan to develop and implement an automatic reporting system to allow field and Headquarters management to periodically assess program progress.

6. USPS/VA Coordinated Projects

We plan to expand our Baltimore project concept of introducing hospitalized, disabled veterans into the work force to at least one additional site.

7. Headquarters Staff

We will further increase our permanent Headquarters Handicap Program staff to ensure program direction and support.

I would be pleased with your early review of our report and with an early meeting of our respective staffs to ensure smooth and satisfactory implementation of our FY 1982 goals.

Sincerely,

William F. Bolger

Mr. J. Clay Smith, Jr.
Acting Chairman
U.S. Equal Employment Opportunity
  Commission
2401 E Street, N.W.
Washington, D.C. 20506

Attachment

REPORT OF ACCOMPLISHMENTS AND AFFIRMATIVE ACTION PROGRAM PLAN FOR AGENCY WITH 101 OR MORE EMPLOYEES

Affirmative Action Program for

Handicapped Individuals Including Disabled Veterans

Report for the period April 1, 1981, through September 30, 1981
Plan for the period October 1, 1981, through September 30, 1982

U. S. Postal Service
Agency

475 L'Enfant Plaza, West
Washington, D.C. 20260
Agency Address

Number of Employees Covered by This Plan 652,708

Ardyce J. Smith — Name of Person Preparing This Form
245-4358 — Telephone Number

Nancy L. George
Assistant Postmaster General, Employee Relations Department
Name and Title of Responsible Official

Signature
DEC 1 1981
Date

William F. Bolger, Postmaster General
Name and Title of Agency Head (certifies that this report is in compliance with EEO-MD-709, "Affirmative Action for Hiring, Placement, and Advancement of Handicapped Individuals Including Disabled Veterans")

Signature
DEC 1 1981
Date

EEOC Form 440A (ONE TIME)
September 81

PART 1: REPORT OF ACCOMPLISHMENTS
FOR THE PERIOD APRIL 1, 1981, THROUGH SEPTEMBER 30, 1981

Affirmative Action Program for
Handicapped Individuals Including Disabled Veterans

STAFFING COMMITMENTS

Provide data indicating staffing commitments as of September 30, 1981. Include selective placement coordinators, handicapped program managers, and other key staff assigned to the affirmative action program for handicapped individuals including disabled veterans. Do not include equal employment opportunity counselors and other personnel processing complaints of discrimination on the basis of handicap.

a. Headquarters personnel with nationwide responsibility:

(1) Agencywide responsibility (departmentwide if applicable)

Number of Persons 1
Total staff years (Full-time equivalents allocated to the program) 1 staff year

(2) Responsibility for Major Operating Components (if none indicate not applicable)

Number of Persons 0
Total staff years (Full-time equivalents allocated to the program) Not applicable

b. All other personnel (not accounted for above) at headquarters, in component agencies, or in field installations responsible for management and coordination of the program:

Percentage of time allocated to the program	Indicate Number in each Group
1 - 5%	* 299
6 - 10%	
11 - 25%	
26 - 75%	
76 - 100%	
TOTAL:	

c. Number of agency personnel offices with appointing authority 31,000

EEOC Form 440A (pg. 2)

* 250 Management Sectional Centers
44 Districts
5 Regions

- Identification of Handicapped Workforce -

In order to provide workforce data which includes handicap status, a major identification project was initiated.

The first phase was carried out in May 1980. Computerized printouts with handicap codes currently assigned to each individual were sent to the appropriate work locations. The supervisor was given the responsibility for verifying the accuracy of the code and for converting it to the new code listed on PS Form 2567.

Employees were not personally contacted during this phase of the identification process. Employees who had impairments which could not be specifically identified were coded as "Handicap Not Identified."

At the same time, the Personnel Operations Handbook P-11, was revised to show new handicap codes and procedures for reporting accessions with handicaps.

In the early part of 1982, a self identification of all employees will be conducted. Each employee will be given a printout of his or her current handicap code and asked to verify or correct it to the appropriate code as listed on PS Form 2567.

We believe the new information will more accurately reflect the significant contribution the Postal Service is making in providing jobs for handicapped individuals.

SUMMARY OF ACCOMPLISHMENTS IN AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS*

Analysis of Work Force

	Total Work Force	Handicapped Work Force	%	No Handicap (04)	%	Other (01 and Not Available)	%	Targeted Disabilities **	%	Disabled Veterans	%
March 31, 1981	648,526	10,092	1.56	638,434	98.44	2,352	.36	2,726	.42	70,346	10.85
Transition Goal	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.			N.A.	N.A.
Sept. 30, 1981	652,708	10,982	1.68	641,726	98.32	2,616	.40	2,854	.44	71,053	10.89

Total Number of Accessions from April 1, 1981, to Sept. 30, 1981	26,469
Total Number of Losses from April 1, 1981, to Sept. 30, 1981	21,410

*Numbers in parentheses refer to codes on Standard Form 256.
**Includes disabled veterans with targeted disabilities.

Special Recruitment Program -- Accessions and Losses -- Handicapped Individuals Including Disabled Veterans

	Deaf (16,17)	Blind (23,25)	Missing Extremities (28,32-38)	Partial Paralysis (64-68)	Complete Paralysis (71-78)	Convulsive Disorders (82)	Mentally Retarded (90)	Mental Illness (91)	Distortion Limb/Spine (92)	Total
On-Board Targeted Disabilities as of March 31, 1981	1,080	71	210	49	23	274	422	422	175	2,726
Applications from April 1, 1981, to September 30, 1981***	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Accessions from April 1, 1981, to September 30, 1981	108	1	14	2	1	19	5	53	4	207
Losses from Voluntary & Involuntary Separations from April 1, 1981, to September 30, 1981	30	1	6	0	2	8	2	31	7	87
On-Board Targeted Disabilities as of September 30, 1981	1,157	71	217	51	23	295	424	444	172	2,854

EOC Form 440A (pg. 3)

***For information on collection of applicant data see 46 FR 11285 (February 6, 1981).

SUMMARY OF ACCOMPLISHMENTS IN AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS*

Special Recruitment Program -- Accessions and Losses -- Disabled Veterans Only

	Deaf (16,17)	Blind (23,25)	Missing Extremities (28,32-38)	Partial Paralysis (64-68)	Complete Paralysis (71-78)	Convulsive Disorder (82)	Mentally Retarded (90)	Mental Illness (91)	Distortion Limb/Spine (92)	Totals
On-Board Veterans with Targeted Disabilities as of March 31, 1981	10	17	137	13	9	107	4	186	97	580
Applications from Veterans April 1, 1981, to September 30, 1981**	XX	XX	XX	XX	XX	XX	XX	XX	XX	XX
Accessions of Veterans from April 1, 1981, to September 30, 1981	2	1	6	1	0	9	0	38	0	57
Losses of Veterans from Voluntary and Involuntary Separations from April 1, 1981, to September 30, 1981	0	1	4	0	1	4	0	25	2	37
On-Board Veterans with Targeted Disabilities as of September 30, 1981	12	17	139	14	8	118	4	202	95	609

*Numbers in parentheses refer to codes on Standard Form 256

**For information on collection of applicant data see 46 F.R. 11285 (February 6, 1981).

ANALYSIS OF WORK FORCE: **DATA AS OF MARCH 31, 1981***

CATEGORY	ALL OTHERS	%	EAS 1-12	%	EAS 13-17	%	EAS 18&UP	%	** P&R	%	PCES	%	TOTAL	%
Total Work Force	5,403	.83	9,803	1.51	45,027	6.94	18,959	2.92	568489	87.66	845	.13	648,526	100
Not Identified (01)	12	.51	13	.55	117	4.97	24	1.02	2184	92.86	2	.09	2,352	100
Not Available or Unspecified														100
No Handicap (04)	5,364	.84	9,747	1.53	44,622	6.99	18,876	2.96	558983	87.56	842	.13	638,434	100
Handicap Reported (13-93)	27	.35	43	.56	288	3.72	59	.76	7322	94.60	1	.01	7,740	100
Disabled Veterans	196	.28	417	.59	3,615	5.14	1,686	2.40	64352	91.48	80	.11	70,346	
Total Targeted Disabilities	6	.22	6	.22	40	1.47	13	.48	2661	97.62	0	.00	2,726	100
Deafness (16,17)	2	.19	0	.00	2	.19	1	.09	1075	99.54	0	.00	1,080	100
Blindness (23, 25)	0	.00	1	1.41	6	8.45	3	4.23	61	85.92	0	.00	71	100
Missing Extremities (28, 32-38)	1	.48	3	1.43	9	4.29	3	1.43	194	92.38	0	.00	210	100
Partial Paralysis (64-68)	2	4.08	0	.00	2	4.08	2	4.08	43	87.76	0	.00	49	100
Complete Paralysis (71-78)	0	.00	0	.00	1	4.35	0	.00	22	95.65	0	.00	23	100
Convulsive Disorders (82)	0	.00	2	.73	10	3.65	1	.36	261	95.26	0	.00	274	100
Mental Retardation (90)	0	.00	0	.00	0	.00	0	.00	422	100.00	0	.00	422	100
Mental Illness (91)	1	.24	0	.00	6	1.42	1	.24	414	98.10	0	.00	422	100
Distortion of Limbs/Spine (92)	0	.00	0	.00	4	2.29	2	1.14	169	96.57	0	.00	175	100

EEOC Form 440A (pg. 7)

***Numbers in parentheses refer to codes on Standard Form 256.**
**Field Craft Personnel and Rural Carriers

ANALYSIS OF WORK FORCE:

DATA AS OF SEPTEMBER 30, 1981*

CATEGORY	ALL OTHERS	%	EAS 1-12	%	EAS 13-17	%	EAS 18&UP	%	** P&R	%	PCES	%	TOTAL	%
Total Work Force	5,427	.83	9,792	1.50	45,836	7.02	19,386	2.97	571418	87.55	849	.13	652,708	100
Not Identified (01)	12	.46	15	.57	118	4.51	24	.92	2445	93.46	2	.08	2,616	100
Not Available or Unspecified	☒		☒		☒		☒		☒		☒		☒	100
No Handicap (04)	5,386	.84	9,733	1.52	45,428	7.08	19,300	3.01	561033	87.43	846	.13	641,726	100
Handicap Reported (13-93)	29	.35	44	.53	290	3.47	62	.74	7940	94.91	1	.01	8,366	100
Disabled Veterans	200	.28	405	.57	3,619	5.09	1,684	2.37	65067	91.58	78	.11	71,053	100
Total Targeted Disabilities	7	.25	6	.21	40	1.40	12	.42	2789	97.72	0	.00	2,854	100
Deafness (16,17)	3	.26	0	.00	2	.17	1	.09	1151	99.48	0	.00	1,157	100
Blindness (23, 25)	0	.00	1	1.41	6	8.45	3	4.23	61	85.92	0	.00	71	100
Missing Extremities (28, 32-38)	1	.46	3	1.38	8	3.69	2	.92	203	93.55	0	.00	217	100
Partial Paralysis (64-68)	2	3.92	0	.00	2	3.92	2	3.92	45	88.24	0	.00	51	100
Complete Paralysis (71-78)	1	4.35	0	.00	1	4.35	0	.00	21	91.30	0	.00	23	100
Convulsive Disorders (82)	0	.00	2	.68	11	3.73	1	.34	281	95.25	0	.00	295	100
Mental Retardation (90)	0	.00	0	.00	0	.00	0	.00	424	100.00	0	.00	424	100
Mental Illness (91)	0	.00	0	.00	6	1.35	1	.23	437	98.42	0	.00	444	100
Distortion of Limbs/Spine (92)	0	.00	0	.00	4	2.33	2	1.16	166	96.51	0	.00	172	100

EEOC Form 440A (pg. 8)

***Numbers in parentheses refer to codes on Standard Form 256.**

**Field Craft Personnel and Rural Carriers

REPORT ON FACILITY ACCESSIBILITY

Describe your agency's barrier removal activity during the last half of FY 1981.

a. Summarize your agency's barrier removal activity.

In addition to meeting its responsibilities under the Architectural Barriers Act, the Postal Service considers customer suggested modifications to improve accessibility on a case-by-case basis considering customer need and economic feasibility. Where handicapped persons are employed in existing facilities, or their employment is imminent, their work area is altered as necessary. This is a continuing effort which is mostly decentralized to Postal field offices. Specific records of project numbers and costs are not maintained.

b. Is GSA providing assistance with barrier removal?

☐ Not Applicable ☐ YES ☐ NO ; Describe:

c. Describe any difficulties that have been encountered in attempting to remove barriers that remain in agency facilities.

d. Describe actions being taken to overcome difficulties described in item c above.

ALTERNATIVES TO SELECTION PROCEDURES THAT HAVE IMPEDED EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS

List procedures identified during the last half of FY 1981.

Selection Procedures	Alternatives	Actions Taken	Completion Dates
All persons required to operate any size motor vehicle were required to have the ability to hear a conversational voice at 15 feet.	Modification of this requirement when operating smaller vehicles.	This requirement was changed as follows: For positions requiring driving vehicles less than 5 tons GVW, there is no hearing requirement. (The standard was not changed for operating 5-ton or larger vehicles.)	August 20, 1981
Several years ago the Postal Service reviewed its hiring procedures to determine their effect on the employment of the severely handicapped, and found the following areas of concern:			
1. Physical Requirements Most Postal Service positions have specified physical requirements, all of which are not always necessary for all employees.	1. Modify the physical requirements when practical to accommodate severely handicapped persons who may be able to perform most of the duties of the position.	1. Installation heads were given the authority to waive physical requirements in individual cases.	Ongoing
2. Appointment into the Postal Service is generally through competition in an entrance examination.			
a. Many handicapped persons are unable to participate effectively in the exams.	a. Allow noncompetitive appointments of severely handicapped persons.	a. A special program for hiring the handicapped was instituted where by severely handicapped persons may be appointed to a casual (temporary) position noncompetively. After two 89-day casual terms of satisfactory employment, the handicapped person may be converted to career status.	Ongoing

ALTERNATIVES TO SELECTION PROCEDURES THAT HAVE IMPEDED EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS

List procedures identified during the last half of FY 1981.

Selection Procedures	Alternatives	Actions Taken	Completion Dates
b. Some handicapped persons need assistance to participate in the competitive entrance exams.	b. Provide the necessary assistance to give handicapped persons the opportunity to participate in exams.	b. Provisions were made to allow interpreters for the deaf in the exam room.	Ongoing
Generally no one is allowed in the exam room except the examiner and the competitors.	Allow others in the exam room specifically to assist handicapped persons.	Someone to assist, in completion of the answer sheet grids is allowed for those who cannot manage this alone.	Ongoing
3. Equipment used in Postal Service operations is designed for able-bodied persons.	3. Modify equipment to allow severely handicapped individuals to perform required duties.	3. Letter sorting cases, chairs, desks, etc., have been developed which can be used by severely handicapped persons to perform the same functions done by the able-bodied on standard equipment.	Ongoing
In addition to these accomplishments, for many years USPS policy has encouraged appointing officials to evaluate handicapped individuals on their ability to perform the duties of the position rather than on their limitations.			
Barriers to selection: The responsibility for managing the Handicap Program has been shifted to the Employment & Placement Division which is the function responsible for service-wide employment, selection policies and procedures, the development of qualification standards for jobs, and development of procedures that allow for waivers of particular physical requirements for jobs. This will help increase awareness of and sensitivity to the barriers to be overcome.			
We have added one additional full time person at the Headquarters level who will devote his or her time to the Handicap program. We also plan to bring in detail personnel to work with specific handicap projects until their completion.			December 1981

PART 2: PROGRAM PLAN
FOR THE PERIOD OCTOBER 1, 1981, THROUGH SEPTEMBER 30, 1982

Affirmative Action Program for
Handicapped Individuals Including Disabled Veterans

EEOC Form 440A (pg. 13)

GOALS FOR EMPLOYMENT OF PERSONS WITH SPECIFIED SEVERE DISABILITIES

Agencies are to use this format to establish hiring goals for the period October 1, 1981, through September 30, 1982. Anticipated changes in the work force are taken into account, as goals are calculated on the basis of losses from the work force as well as accessions. The planned rate of accessions (if any are anticipated) must be adequate to achieve the desired work force profile as of September 30, 1982. Guidance is provided in Appendix A of EEO-MD-709 (October, 1981).

	Anticipated Changes in Work Force from October 1, 1981 to September 30, 1982	
	Number + or -	*Percent Change + or -
Losses (Total Work Force)	- 42,820	- 6.56
Losses with Handicap Reported	- 1,064	- .16
Losses with Targeted Disabilities	- 174	- .03
Accessions (Total Work Force)	+ 41,645	+ 6.38
Accessions with Handicap Reported	+ 2,161	+ .33
Accessions with Targeted Disabilities	+ 324	+ .05

	Work Force Profile: Actual Data as of September 30, 1981		Anticipated Changes in Work Force from October 1 to September 30, 1982		Work Force Profile: Anticipated Data as of September 30, 1982	
	Number	Percent	Number + or -	*Percent Change + or -	Number	Percent
Total Work Force	652,708	100.00	- 1,175	- .18	651,533	100.00
Handicap Reported	10,982	1.68	+ 1,097	+ 10.00	12,079	1.85
Targeted Disabilities	2,854	.44	+ 150	+ 5.26	3,004	.46

*Calculate this percentage by dividing the number + or - by the corresponding number in the work force profile as of September 30, 1981.

Goals for the Period October 1, 1981, to September 30, 1982:

a. Total number of accessions with targeted disabilities: 324

b. Percent of accessions with targeted disabilities: .78

c. Total number of persons with targeted disabilities on board as of September 30, 1982: 3,004

d. Percent of total work force with targeted disabilities as of September 30, 1982: .46

PLAN FOR SPECIAL RECRUITMENT PROGRAM

Agencies are to establish and maintain special recruitment programs for handicapped individuals with the specified severe disabilities. The purpose is to obtain applications from qualified handicapped individuals including disabled veterans. A revised and improved plan for a special recruitment program is required unless:

a. the agency met its September 30, 1981, accession goals

(If so, check here: ☐)

or

b. the number of applications recruited from persons with targeted disabilities was at least two times the number of accessions that would have been necessary to meet the goals.

(If so, check here: ☐)

If neither of these conditions has been met, list new recruiting strategies that will be instituted so that the agency can meet its September 30, 1982, accession goals.

New Recruiting Strategies	Target Dates
Availability of current special recruitment programs for the handicapped will be publicized through internal communications to remind appointing officials of their obligations and authority in this area.	Ongoing
Specific goals for hiring handicapped individuals and those with targeted disabilities will be set for each Region based on anticipated hiring needs.	January 1982
Affirmative Action Plans to support these goals will subsequently be developed by Regions.	March 1982
Those installations which have effective programs for utilization of handicapped employees will be identified and used as a resource for helping other installations institute effective programs.	Ongoing
A reporting system will be instituted to provide periodic data on employment of handicapped individuals and tracking of progress toward established goals.	February 1982
A coding system will be established in order to track accessions into our special recruitment program for severely handicapped employees.	June 1982
This will allow for timely review and analysis of the progress toward our goals for targeted disabilities	

PLAN FOR SPECIAL RECRUITMENT PROGRAM

Agencies are to establish and maintain special recruitment programs for handicapped individuals with the specified severe disabilities. The purpose is to obtain applications from qualified handicapped individuals including disabled veterans. A revised and improved plan for a special recruitment program is required unless:

a. the agency met its September 30, 1981, accession goals

(If so, check here: ☑)

or

b. the number of applications recruited from persons with targeted disabilities was at least two times the number of accessions that would have been necessary to meet the goals.

(If so, check here: ☐)

If neither of these conditions has been met, list new recruiting strategies that will be instituted so that the agency can meet its September 30, 1982, accession goals.

New Recruiting Strategies	Target Dates
Continuation of the task force to review and modify physical requirements for key jobs to enhance employability of handicapped individuals.	Ongoing
We are currently working with VA Headquarters in the development of a pilot project for hiring in-patient disabled veterans with certain targeted disabilities to work in the Computer Forwarding System and other appropriate positions in specified installations.	Ongoing
Establishment of a cracking system to be used for statistical analysis which will identify the number of applicants in each handicap code.	February 1982

GOALS AND TIMETABLES FOR FACILITY ACCESSIBILITY

a. List any unmet goals for barrier removal established in previous submissions that were to have been accomplished prior to September 30, 1981. Removal strategies are to be revised so that these goals can be accomplished prior to September 30, 1982.

Goals	Original Target Dates	Revised Target Dates	Revised Removal Strategies
N/A			

b. List additional goals for barrier removal during the period October 1, 1981, through September 30, 1982:

Goals	Target Dates
The Postal Service approach is to provide required accessibility on a case-by-case basis and not through a specific set of goals and timetables.	

ALTERNATIVES TO SELECTION PROCEDURES THAT HAVE IMPEDED EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS

a. List selection procedures which were identified in previous submissions but for which alternatives have not yet been instituted:

Selection Procedures	Alternatives	Planned Actions	Current Target Dates	Dates Indicated Previously

b. List selection procedures not previously identified for which alternatives should be instituted:

Selection Procedures	Alternatives	Planned Actions	Target Dates
All persons required to operate right-hand drive motor vehicles must have vision in both eyes.	Modification of this requirement when operating smaller vehicles.	Change requirement to allow a minimum of 20/40 corrected vision in one eye for operators of right-hand drive vehicles of less than 5 tons.	Nov. 25, 1981
Barriers to Selection: lack of sensitivity of supervisors to handicapped employees	Provide training program	We plan to develop and implement a sensitivity training session for managers to increase their awareness of contributions made by handicapped employees and improve their effectiveness in managing handicapped individuals.	July 1982
Establishment of a tracking system to be used for statistical analysis which will identify the number of applicants in each handicap code.			February 1982

Enough of the target dates indicated should be prior to September 30, 1982, that substantial progress toward elimination of selection barriers will have been made by that time. All barriers that are listed in item a above should be removed prior to September 30, 1982.

ALTERNATIVES TO SELECTION PROCEDURES THAT HAVE IMPEDED EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS

a. List selection procedures which were identified in previous submissions but for which alternatives have not yet been instituted:

Selection Procedures	Alternatives	Planned Actions	Current Target Dates	Dates Indicated Previously

b. List selection procedures not previously identified for which alternatives should be instituted:

Selection Procedures	Alternatives	Planned Actions	Target Dates
Present data from applicants during examination process does not include the collection of handicapped codes and veterans who are 30% or more disabled.	Modification of Answer Sheet	Implement new Answer Sheet for collection of required data to evaluate handicapped applicant pool.	February 1982
Specific goals for hiring handicapped individuals and those with targeted disabilities will be set for each Region based on anticipated hiring needs.			January 1982
Affirmative Action Plans to support these goals will be subsequently be developed by Regions.			January 1982

Enough of the target dates indicated should be prior to September 30, 1982, that substantial progress toward elimination of selection barriers will have been made by that time. All barriers that are listed in item a above should be removed prior to September 30, 1982.

ALTERNATIVES TO SELECTION PROCEDURES THAT HAVE IMPEDED EMPLOYMENT OF HANDICAPPED INDIVIDUALS INCLUDING DISABLED VETERANS

a. List selection procedures which were identified in previous submissions but for which alternatives have not yet been instituted:

Selection Procedures	Alternatives	Planned Actions	Current Target Dates	Dates Indicated Previously

b. List selection procedures not previously identified for which alternatives should be instituted:

Selection Procedures	Alternatives	Planned Actions	Target Dates
Those installations which have effective programs for utilization of handicapped employees will be identified as used as a resource for helping other installations institute effective programs.			Ongoing
A reporting system will be instituted to provide periodic data on employment of handicapped individuals and tracking of progress toward established goals.			February 1982
A coding system will be established in order to track accessions into our special recruitment program for severely handicapped employees.			June 1982
This will allow for timely review and analysis of the progress toward our goals for targeted disabilities.			

Enough of the target dates indicated should be prior to September 30, 1982, that substantial progress toward elimination of selection barriers will have been made by that time. All barriers that are listed in item a above should be removed prior to September 30, 1982.

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